

Office of the Board of Commissioners
Borough of Monmouth Beach
Reorganization Meeting/Regular Meeting
May 21, 2013

The following statement was read by the Municipal Clerk:

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 May 7, 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

The Clerk called the meeting to order at 12:00 p.m.

Present – Commissioner Elect Susan Howard, Commissioner Elect James Cunniff
Absent – Commissioner Elect William McBride

The Clerk read the following Statement of Results of the Municipal Election held on May 14, 2013:

**BOROUGH OF MONMOUTH BEACH
A STATEMENT OF THE RESULTS OF THE
MUNICIPAL ELECTION HELD ON MAY 14, 2013**

<u>TOTAL NUMBER OF BALLOTS CAST</u>	:	DISTRICT 1 –	78
		DISTRICT 2 –	61

<u>TOTAL NUMBER OF BALLOTS REJECTED</u>	:	DISTRICT 1 –	0
		DISTRICT 2 –	0

<u>CANDIDATES</u>	<u>NUMBER OF VOTES RECEIVED</u>
Susan Howard	136
James F. Cunniff	131
William J. McBride	132

WRITE-IN VOTES : 0

The following candidates received the highest number of votes and are the Commissioners elect:

Susan Howard	136
James F. Cunniff	131
William J. McBride	132

I hereby certify that the foregoing is a true, full and correct statement of the results of the election above mentioned and that the same exhibits the whole number of names on the poll books and of the ballots rejected, the name of each person for whom any vote or votes were given for the office designated for them in such votes and the number of votes given for each person for the office or offices as designated for them according to the returns on file in this office made by the District Board of Registry and Election.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of May, 2013.

Dennis Collins, Borough Attorney, administered the Oaths of Office to Commissioners Elect Susan Howard and James Cunniff.

Commissioner Cunniff moved, seconded by Commissioner Howard that Susan Howard be appointed as Mayor and Director of the Departments of Public Affairs and Public Safety.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -2-, Absent -1-.

Mayor Howard moved, seconded by Commissioner Cunniff that James Cunniff be appointed as Director of the Department of Revenue and Finance.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -2-, Absent -1-.

Commissioner Cunniff moved, seconded by Mayor Howard that William McBride be appointed as Director of the Departments of Public Works, Parks, and Public Property.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -2-, Absent -1-.

Mayor Howard said it was a pleasure to serve with Jim Cunniff and Bill McBride again.

Commissioner Cunniff moved, seconded by Mayor Howard that the following bills which had been reviewed by their respective department heads be approved for payment.

032502	475.00	05/14/13	ALERT TRAFFIC LINES, LLC
032503	387808.54	05/14/13	ALTEC BUILDING SYSTEMS
032504	200.00	05/14/13	AMANDA STUMP, MBBP PETTY CASH CUSTODIAN
032505	19.99	05/14/13	AMERICAN UNIFORM & SUPPLY CO
032506	104.90	05/14/13	ANNE P. ROONEY
032507	404.00	05/14/13	ASBURY PARK PRESS
032508	926.67	05/14/13	ASSOCIATED HUMANE SOCIETIES
032509	249.47	05/14/13	AVAYA FINANCIAL SERVICES
032510	42.18	05/14/13	BARBARA MAGUIRE
032511	104.90	05/14/13	BRADFORD DODSON
032512	3690.70	05/14/13	BULLET LOCK & SAFE CO., INC.
032513	211.88	05/14/13	COMCAST
032514	96.95	05/14/13	COMCAST OF MONMOUTH
032515	16668.09	05/14/13	COUNTY OF MONMOUTH FINANCE DEPARTMENT
032516	1443.99	05/14/13	CUSTOM TIRE ASSOCIATES
032517	6517.50	05/14/13	DENNIS A. COLLINS ESQ.
032518	1832.60	05/14/13	DESCHAMPS MAT SYSTEMS, INC
032519	200.00	05/14/13	DREW WINANS, MBPD CUSTODIAN OF
032520	448.12	05/14/13	F & C AUTOMOTIVE SUPPLY INC.
032521	13307.50	05/14/13	FARMHOUSE ELECTRIC
032522	192.00	05/14/13	FIREHOUSE SPECIALTY SHOP
032523	243.72	05/14/13	GALL'S, INC.
032524	5325.00	05/14/13	GEORGE HYNDSMAN PLUMBING & HEATING
032525	123.94	05/14/13	GEORGE WALL LINCOLN MERCURY
032526	487.14	05/14/13	GLOBE PETROLEUM, INC.
032527	227.80	05/14/13	GRAINGER GOVERNMENT CALL CENTER
032528	104.90	05/14/13	HEATHER E. TYNAN
032529	436.82	05/14/13	HOME DEPOT CREDIT SERVICES
032530	7884.03	05/14/13	HOOVER TRUCK CENTERS
032531	245.08	05/14/13	JERSEY CENTRAL POWER & LIGHT
032532	1370.01	05/14/13	JOHN'S AUTO
032533	116.55	05/14/13	JOSEPH FAZZIO-WALL, LLC
032534	104.90	05/14/13	JOSEPH MASICA
032535	134.35	05/14/13	KEPWELL SPRING WATER CO., INC.
032536	132.00	05/14/13	LANIGAN ASSOCIATES, INC.
032537	2566.29	05/14/13	LAWES COAL COMPANY, INC.
032538	300.00	05/14/13	LISA NORMAN
032539	250.00	05/14/13	LOGIN / IACP NET
032540	435.00	05/14/13	MICHAEL A IRENE, JR. ESQ.
032541	224.03	05/14/13	MR. JOHN INC.
032542	264.58	05/14/13	NAPA AUTO PARTS
032543	3400.80	05/14/13	NEW JERSEY AMERICAN WATER CO.
032544	4240.00	05/14/13	OCEANSIDE SERVICE, INC.
032545	21339.56	05/14/13	OUTDOOR SHOWERS LLC
032546	104.90	05/14/13	PATRICIA KELLER
032547	104.90	05/14/13	PAULA MURRAY
032548	28.95	05/14/13	PERRY'S TROPHY CO., INC.
032549	11444.17	05/14/13	PRESCRIPTION CORPORATION OF AMERICA
032550	264.46	05/14/13	RED THE UNIFORM TAILOR
032551	307.00	05/14/13	RELIABLE WOOD PRODUCTS, LLC
032552	1925.00	05/14/13	RELIANCE GRAPHICS
032553	75.00	05/14/13	SIGNS BY TOMORROW
032554	779.40	05/14/13	SIPERSTEIN'S PAINT
032555	856.00	05/14/13	SKIP'S SPORTS
032556	1151.30	05/14/13	SPECTROTEL
032557	1895.10	05/14/13	STAPLES CREDIT PLAN
032558	56.46	05/14/13	SUSAN HOWARD
032559	104.90	05/14/13	SUSAN JASIO KOCH
032560	43875.23	05/14/13	T & M ASSOCIATES
032561	48.49	05/14/13	THE HOLLANDER COMPANY
032562	700.00	05/14/13	TIMOTHY MUCCIO/T M PLANTS
032563	1050.00	05/14/13	TREASURER, STATE OF NEW JERSEY
032564	140.00	05/14/13	TRICIA FORD
032565	35.03	05/14/13	VERIZON COMMUNICATIONS
032566	225.78	05/14/13	W. E. TIMMERMAN CO., INC.
032567	85.23	05/14/13	W. H. POTTER & SON INC.
032570	200.00	05/21/13	ALICE MCCOBB
032571	174.00	05/21/13	ASBURY PARK PRESS

032572	200.00	05/21/13	BARBARA HELLMANN
032573	225.63	05/21/13	CAMBRIA COMPANIES
032574	9.68	05/21/13	CLAYTON BLOCK COMPANY, INC.
032575	200.00	05/21/13	COLBY BONSANGUE
032576	200.00	05/21/13	COLBY BONSANGUE
032577	200.00	05/21/13	CONNIE GRYZKA
032578	200.00	05/21/13	DAVID CIMINO
032579	200.00	05/21/13	ELIZABETH L BOHNERT
032580	229.60	05/21/13	GALL'S, INC.
032581	1094.26	05/21/13	GEORGE WALL LINCOLN MERCURY
032582	612.50	05/21/13	GLUCKWALRATH LLP
032583	1389.21	05/21/13	GRAINGER GOVERNMENT CALL CENTER
032584	1875.00	05/21/13	JET PROFESSIONAL PAINTING, INC.
032585	200.00	05/21/13	JUDITH CANCELLOSI
032586	4411.00	05/21/13	LACK'S OUTDOOR FURNITURE
032587	30.00	05/21/13	MARILYN PENNELL
032588	200.00	05/21/13	MARTHA L HILL
032589	200.00	05/21/13	MICHELINA GAGLIANO
032590	15.00	05/21/13	MONMOUTH COUNTY POLICE ACADEMY
032591	94327.31	05/21/13	MONMOUTH MUNICIPAL JOINT INSURANCE FUND
032592	2106.74	05/21/13	MONTEFORTE ARCHITECTURAL STUDIO, LLC
032593	1145.00	05/21/13	NEW JERSEY EMERGENCY VEHICLES
032594	299.99	05/21/13	OFFICE CONCEPTS GROUP
032595	2894.50	05/21/13	PL CUSTOM EMERGENCY VEHICLES
032596	338.55	05/21/13	RED THE UNIFORM TAILOR
032597	7100.00	05/21/13	RICHARD DE BARTOLIS
032598	45.25	05/21/13	SEABOARD FIRE & SAFETY EQUIPMENT CO.
032599	3145.00	05/21/13	SKIP'S SPORTS
032600	91.49	05/21/13	SNAP-ON INDUSTRIAL DIV IDSC HOLDINGS LLC
032601	170.81	05/21/13	STAPLES BUSINESS ADVANTAGE
032602	200.00	05/21/13	SUZANNE P FARRELL
032603	27.80	05/21/13	THE LINK NEWS
032604	1340.00	05/21/13	THE SPORT SPOT
032605	200.00	05/21/13	THEDA Y KEDDY
032606	1069.50	05/21/13	TIMOTHY MUCCIO/T M PLANTS
032607	646.15	05/21/13	TRACY MILLER
032608	513.20	05/21/13	US POSTAL SERVICE
032609	910.51	05/21/13	VERIZON WIRELESS

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -2-, Absent -1-.

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

RESOLUTION

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that the various departments are hereby determined and defined to include and be apportioned as follows:

Department of Public Affairs and Public Safety:

Mayor's Office, Borough Clerk, Borough Solicitor and Legal Department, Overseer of the Poor, Building Inspector, Board of Health, Public Buildings, Operation of the Monmouth Beach Bathing Pavilion, Police Department, Fire Department, First Aid Squad.

Department of Revenue and Finance:

Tax Office, Assessor, Collector of Taxes, Treasurer, Comptroller fees, Licenses and Fines.

Department of Public Works, Parks and Public Property:

Supervision of Streets, Street Improvement, Permits, Sewer and Water, Lighting Department, Electric Department, Parks and Playgrounds, Municipal Collection of Refuse and Garbage.

BE IT FURTHER RESOLVED that all officers and employees assigned to the various departments may be required to perform duties in two or more departments without additional compensation

RESOLUTION

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that the following Rules of Order shall govern the meetings of the Board until an authorized change:

RULE 1. Regular meetings of the Board of Commissioners shall be held on the second Tuesday of each month at 6:00 o'clock p.m.

RULE 2. The Order of Business at regular meetings of the Board of Commissioners shall be as follows:

Meeting Called to Order / Roll Call taken
Approval or correction and approval of the minutes of the previous meeting
Submission of Affidavits of Publication or Communications
Approval of bills for payment
Special orders of the day
Unfinished business
New Business
Report of Departments:
 Public Affairs, Public Safety
 Revenue and Finance
 Public Works, Parks, Public Property
Public comment
Adjournment

RESOLUTION

WHEREAS, under and by virtue of R.S. 54:5-18.1 through R.S. 54:18-6, inclusive, it is required that the Governing Body of the Municipality, by Resolution, designate either the Municipal Clerk or Municipal Engineer as the person to make official certificates of searches as to Municipal improvements as provided in said Statute,

NOW, THEREFORE, BE IT RESOLVED that the Municipal Clerk of the Borough of Monmouth Beach be and is hereby designated as the person to make such certificates of searches as to Municipal improvements as may be required under and by virtue of said Statute.

RESOLUTION

WHEREAS, under and by virtue of R.S. 54:5-11 through R.S. 54:5-18 inclusive, it is required that the Governing Body of the Municipality, by Resolution, designate a bonded official of the Municipality to make examination of its records as to unpaid municipal liens and to certify the results thereof as provided in said Statutes,

NOW, THEREFORE, BE IT RESOLVED that the Municipal Clerk of the Borough of Monmouth Beach be and is hereby designated as to the person to make such certificate of search as to unpaid municipal liens as may be required under and by virtue of said Statute.

RESOLUTION

WHEREAS, under and by virtue of R.S. 40:55D-56, it is required that the Governing Body of the Municipality, by Resolution, designate the Municipal Clerk, Municipal Engineer or some other official who shall make and issue certificates as to approval of subdivisions of land, as provided in said Statute,

NOW, THEREFORE, BE IT RESOLVED that the Municipal Clerk of the Borough of Monmouth Beach be and is hereby designated as the person to make and issue certificates as to approval of subdivisions as may be required under and by virtue of said Statute.

**A RESOLUTION GRANTING A VARIANCE TO LOT 60.01 BLOCK 30
(54 MONMOUTH PARKWAY) 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 60.01 Block 30 and more commonly known as 54 Monmouth Parkway 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 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 60.01 Block 30, also known as 54 Monmouth parkway, 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

Resolution Appointing Gagliano & Company for Appraisal Services in State Tax Court Appeals

WHEREAS, a proposal was submitted to Timothy Anfuso, Tax Assessor by Gagliano & Company for appraisal services in connection with the defense of 2013 state tax court appeals; and

WHEREAS, a memorandum dated April 25, 2013 was received from Timothy Anfuso, Tax Assessor, requesting that the Mayor and Commissioners accept Gagliano & Company's proposal for professional services as follows:

Preliminary Analysis:	not to exceed \$4,000 for any single property.
Appraisal Report:	not to exceed \$2,000 for any single property
Testimony/Conferences	to be billed at \$160.00 per hour.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Monmouth Beach that the proposal received from Gagliano & Company to defend the year 2013 commercial State Tax Court Appeals is hereby accepted; and

BE IT FURTHER RESOLVED that this contract is awarded without competitive bidding as a "professional service contract" in accordance with NJSA 40:11-1 et. esq. of the Local Public Contracts Law.

RESOLUTION
**Resolution Appointing Realty Appraisal Company
for Appraisal Services in 2013 State Tax Court Appeals**

WHEREAS, a proposal was submitted to Timothy Anfuso, Tax Assessor by Realty Appraisal Company for appraisal services in connection with the defense of 2013 State Tax Court Appeals; and

WHEREAS, a memorandum dated May 25, 2013 was received from Timothy Anfuso, Tax Assessor, requesting the Mayor and Commissioners accept Realty Appraisal Company's proposal for professional services as follows:

Residential Properties:	\$100 per hour, not to exceed \$2,500 for any single property.
Commercial Properties:	not to exceed \$5,000.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Monmouth Beach that the proposal received from Realty Appraisal Company to defend the year 2013 State Tax Court Appeals is hereby accepted.

BE IT FURTHER RESOLVED that this contract is awarded without competitive bidding as a "professional service contract" in accordance with NJSA 40:11-1 et. esq. of the Local Public Contracts Law.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -2-, Absent -1-.

End of Consent Agenda

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 Cunniff moved, seconded by Mayor Howard that the foregoing Ordinance be passed on first reading and that the Clerk be instructed to advertise the Ordinance for a public hearing to be held on June 11, 2013.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -2-, Absent -1-.

Administrator's Report – Mr. Chismar had nothing to report. He congratulated the Commissioners and welcomed them back for another four years.

Borough Attorney's Report – Mr. Collins congratulated the Commissioners.

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-, Absent -1-.

Paul Lahiff, 100 Seaview Avenue, said that a house on Seaview Avenue had caught fire three years ago and was still in a deplorable condition. He said the owner of the house lived across the street in a two million dollar home but stored his cars at the burned out home. Mr. Lahiff asked if any action had been taken by the town as he felt there must be property maintenance code violations.

Drew Winans, Chief of Police, said that he had the owner remove the cars, secure the windows of the structure, and remove a blue tarp from the roof. The Chief said that the property owner had cooperated and had done everything that he had been asked to do. Chief Winans said that the Health Department had visited the site and determined that there were no health code violations and no evidence of rodent infestation. The Chief said that the borough was working within the confines of the law to try and mediated the situation.

Mr. Lahiff asked if it was possible to have the house condemned.

Chief Winans said that there were no violations at the site.

Dennis Collins explained that the town could not just enter onto someone's property but had to abide by the law. He also explained that the condemnation process was very involved and took years to accomplish.

Art Carine, Beach Road, said he agreed with Mr. Lahiff that the condition of the home on Seaview was awful.

Mayor Howard said that the town was doing everything it could regarding that property.

Mr. Carine thanked all the town's various departments for their amazing response to Superstorm Sandy.

Commissioner Cunniff thanked Public Works Superintendent Al Miller, Police Chief Drew Winans and their staff. He said that they all pulled together and did an amazing job.

Mayor Howard seconded Commissioner Cunniff's remarks. She said they could always count on the Police, Fire, 1st. Aid and Public Works Departments.

There being no further comments,

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-, Absent -1-.

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

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -2-, Absent -1-.

Mayor Howard

Commissioner Cunniff

ATTEST:

Joyce L. Escalante, RMC
Municipal Clerk
May 21, 2013