

Office of the Board of Commissioners
Borough of Monmouth Beach
May 26, 2015

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 Link News and the Asbury Park Press on February 10, 2015. In addition, a copy of the notice was posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk on that date, where it has remained continuously posted as required under Statute.

Pledge of Allegiance

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

Present – Mayor Howard, Commissioner Cunniff, Commissioner McBride

Absent – None

Commissioner Cunniff moved, seconded by Commissioner McBride that the reading of the minutes of the previous meeting held on April 21, April 28 and May 7 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 -3- Nay -0-.

Commissioner Cunniff moved, seconded by Commissioner McBride that bills totaling \$350,339.15 be approved for payment.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3- Nay -0-.

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

RESOLUTION

BE IT RESOLVED by the Mayor and Commissioners of the Borough of Monmouth Beach that the following Change Order has been presented for approval for the following project:

Project	Beach Road Project – Phase III
Change Order #	Change Order #2 & Final
Contractor	Precise Construction, Inc.

BE IT RESOLVED that this Change Order revises the contract to reflect as-built quantities for many items and reflects the installation of the police light and pole foundation and electrical repair of a faulty receptacle; and

BE IT RESOLVED that this Change Order reduces the contract by \$9,155.47; and

BE IT RESOLVED that the Borough Engineer, Bonnie Heard, T&M Associates, in a letter dated April 29, 2015, has recommended that the change order be approved,

NOW, THEREFORE, BE IT FINALLY RESOLVED that Change Order #2 and final for the Beach Road Project – Phase III be and is hereby approved.

**Resolution Appointing Realty Appraisal Company
for Appraisal Services in 2014 State Tax Court Appeals**

WHEREAS, a proposal was submitted to Timothy Anfuso, Tax Assessor dated April 16, 2015 by Realty Appraisal Company for appraisal services in connection with the defense of 2015 State Tax Court Appeals; and

WHEREAS, a memorandum dated May 19, 2015 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 \$1,200 for any single property.
Commercial Properties:	\$100 per hour, not to exceed \$5,000 for any single property

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 2015 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. seq. of the Local Public Contracts Law.

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the official newspaper of the Borough of Monmouth Beach.

RESOLUTION

WHEREAS, the Purr N' Pooch Foundation For Animals, Inc. has made application for an on premise draw raffle for merchandise (theme baskets) to take place during an event to be held on August 12, 2015, at the Channel Club Marina, Monmouth Beach; and

WHEREAS, the Board of Commissioners of the Borough of Monmouth Beach feel that the applicant is qualified; that the members designated to conduct the games and to assist are of good moral character and have never been convicted of crime;

FURTHERMORE, that the games will be conducted in accordance with the rules and regulations of the Legalized Games of Chance Control Commission and the entire net proceeds are to be devoted to a purpose permitted by the Commission; and

WHEREAS, there is satisfactory proof that no payment will be made for conducting the games or assisting therein and that the prizes are of the nature and amount allowed;

NOW, THEREFORE, BE IT RESOLVED that a raffle license be granted to the Purr N' Pooch Foundation For Animals, Inc., pending final approval from the Legalized Games of Chance Control Commission.

RESOLUTION

WHEREAS, proposals were solicited by T&M Associates, Borough Engineers, on behalf of the Borough of Monmouth Beach for Emergency Drainage Repair on River Avenue; and

WHEREAS, three proposals were received as indicated:

1)	Fiore Paving Co. Inc.	\$30,680.00
2)	Precise Construction Inc.	\$36,750.00
3)	L&L Paving Company Inc.	\$54,200.00

WHEREAS, the Mayor and Commissioners have reviewed the proposals submitted and the recommendation of the Borough Engineer as set forth in a letter dated May 19, 2015;

NOW, THEREFORE, BE IT RESOLVED that the proposal submitted by Fiore Paving Co. Inc., 4 Fiore Court, Oceanport, NJ 07757 in the amount of \$30,680.00 be and is hereby accepted and awarded; and

BE IT FURTHER RESOLVED that said award is subject to the Chief Financial Officer certifying that funds are available and review and approval of the proposal documents by the Borough Attorney; and

BE IT FINALLY RESOLVED that the Mayor and Clerk are authorized to confirm and authorize the work outlined in the proposal submitted by Fiore Paving Co. Inc.

BE IT RESOLVED that Engineering Fees in an amount Not To Exceed \$5,250.00 for Engineering Design and Initial Drainage Improvements for the properties between Griffin Street and the Precious Blood Church be, and are hereby authorized.

RESOLUTION

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that Engineering Fees In An Amount Not To Exceed \$5,250.00 for Engineering Design and Initial Drainage Improvements for the Properties between Griffin St. and the Precious Blood Church be and are hereby authorized

RESOLUTION OF THE BOROUGH OF MONMOUTH BEACH AUTHORIZING THE SALE OF CERTAIN OBSOLETE VEHICLES

WHEREAS, the Borough of Monmouth Beach has determined that certain obsolete vehicles and/or equipment are no longer needed for public use; and

WHEREAS, the Borough of Monmouth Beach desires to dispose of said vehicles/equipment in accordance with N.J.S.A. 40A:11-36 et. seq.;

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 following vehicles/equipment are no longer needed for public use:

<u>ITEM</u>	<u>VIN #</u>	<u>MINIMUM BID</u>
1978 Case Front End Loader	8979053	\$500.00
1988 Dodge Van B350	2B5WB31W5JK184014	\$500.00
1988 Grumman 15' Flat Bottom River Boat	GBMA0603G88 (No Title Available)	\$250.00
1988 Grumman 15' Flat Bottom River Boat	GBMA0575G88 (No Title Available)	\$250.00

2. The Borough Clerk is hereby authorized and directed to advertise for bids for the sale of the vehicles/equipment; said bids which will be accepted by the Clerk on Wednesday, June 24, 2015 at 10:00 am.
3. The sale shall be subject to the terms and conditions in the Notice of Sale, appended hereto and made a part hereof, which are hereby approved. Such terms and conditions include the following:
 - a. The vehicles/equipment will be sold **AS IS** and must be removed from the premises no later than 3:00 pm on Thursday, July 2, 2015, by the successful bidder or bidders.
 - b. A check for fifty percent of the amount bid must be included with the bid. Bidders must comply with the minimum bid requirements as indicated.
 - c. The balance must be paid in full prior to the removal of the item sold.
4. The Board of Commissioners of the Borough of Monmouth Beach reserves the right to reject any and all bids received and to waive any informality where such informality is not detrimental to the best interest of the Borough of Monmouth Beach.

RESOLUTION

WHEREAS, a proposal was solicited from Jet Pro Professional Painting by T&M Associates, Borough Engineers, on behalf of the Borough of Monmouth Beach, to repaint the wood deck surface at the Monmouth Beach Bathing Pavilion; and

WHEREAS, Jet Pro Professional Painting has successfully completed similar projects at the Bathing Pavilion; and

WHEREAS, the Board of Commissioners of the Borough of Monmouth Beach have reviewed the proposal submitted by Jet Pro Professional Painting;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach, County of Monmouth and State of New Jersey that the proposal submitted by Jet Pro Professional Painting for the painting of the deck at the Monmouth Beach Bathing Pavilion be accepted and awarded in the amount of Four Thousand Two Hundred Seventy Five dollars (\$4,275.00); and

BE IT FURTHER RESOLVED that this award is subject to the review and approval of the Borough Attorney and the Certification of Funds by the Chief Financial Officer; and

BE IT FINALLY RESOLVED that the Mayor and Municipal 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: Aye -3- Nay -0-.

End of Consent Agenda

The Clerk read the following Ordinance by title only and announced that copies were available to the public:

An Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40A:4-45.14)

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: Aye -3- Nay -0-.

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: Aye -3- Nay -0-.

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: Aye -3- Nay -0-.

The Clerk read the following Ordinance by title only and announced that copies were available to the public:

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 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: Aye -3-
Nay -0-.

Mayor Howard said that the Ordinance was being modified to permit immediate family members of non-resident First Aid and Fire Dept. volunteers to join the Bathing Pavilion and pay resident rates.

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: Aye -3-
Nay -0-.

Commissioner McBride moved, seconded by Commissioner Cunniff 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: Aye -3-
Nay -0-.

The Clerk read the following Ordinance by title only and announced that copies were available to the public:

Bond Ordinance Providing For Various 2015 Capital Improvements By And In The Borough Of Monmouth Beach, In The County Of Monmouth, State Of New Jersey (The "Borough"); Appropriating \$1,243,000 Therefor (Including \$175,000 Grant From The New Jersey Department Of Transportation) And Authorizing The Issuance Of \$1,183,800 Bonds Or Notes Of The Borough To Finance Part Of The Costs Thereof.

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: Aye -3-
Nay -0-.

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: Aye -3-
Nay -0-.

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: Aye -3-
Nay -0-.

2015 Municipal Budget – Public Hearing (copies were available to the public)

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

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3-
Nay -0-.

Mayor Howard introduced Robert Oliwa, the Borough's Auditor. Mr. Oliwa spoke briefly and gave an overview of the Borough's budget. He said the Borough was heading back in the right direction after Sandy.

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

RESOLUTION FOR ADOPTION OF MUNICIPAL BUDGET 2015

BE IT RESOLVED by the Governing Body of the Borough of Monmouth Beach, County of Monmouth that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$4,394,667.00 for municipal purposes.

SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	\$829,285.00
Miscellaneous Revenues Anticipated	3,759,304.00
Receipts from Delinquent Taxes	204,000.00
2. Amount to be Raised by Taxation for Municipal Purposes	4,394,667.00
TOTAL REVENUES	\$9,187,256.00

SUMMARY OF APPROPRIATIONS

5. General Appropriations:	
Within "CAPS"	
Operations Including Contingent	\$4,511,630.00
Deferred Charges and Statutory Expenditures - Municipal	514,649.00
Excluded from "CAPS"	
Operations - Total Operations Excluded from "CAPS"	1,914,840.00
Capital Improvements	450,000.00
Municipal Debt Service	605,200.00
Deferred Charges - Municipal	719,220.00
Reserve for Uncollected Taxes	471,717.00
TOTAL APPROPRIATIONS	\$9,187,256.00

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3- Nay -0-

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

RESOLUTION TO AMEND BUDGET

Whereas, the local municipal budget for the year 2015 was approved on April 28, 2015, and

Whereas, the public hearing on said budget has been held as advertised, and

Whereas, it is desired to amend said approved budget,

Now, therefore be it resolved by the Borough of Monmouth Beach, County of Monmouth that the following amendments to the approved budget of 2015 be made:

	<u>From</u>	<u>To</u>
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
A) Local Tax for Municipal Purposes including Reserve for		

Uncollected Taxes	4,405,967.00	4,394,667.00
7. Total General Revenues	9,198,556.00	9,187,256.00
8. General Appropriations		
(M) Reserve for Uncollected Taxes	483,017.00	471,717.00
9. Total General Appropriations	9,198,556.00	9,187,256.00

Be it further resolved, that two certified copies of this resolution be filed forthwith to the Office of the Director of Local Government Services for certification of the local municipal budget so amended.

Borough Attorney's Report:

Mr. Collins had nothing other than a matter to be discussed in executive session.

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: Aye -3- Nay -0-.

Kirk Ruoff, 13 Cottage Road, said that the school would be expanded by the addition of a lunch/community room and that the gym would no longer have to double as a lunchroom.

Mr. Ruoff said that the room would be available to the community to use for meetings.

Teja Anderson asked if the town had an ordinance to regulate or control the cutting down of trees.

Mayor Howard said that the Commissioners would be willing to consider such an ordinance but that no one has been able to find a tree ordinance that works.

Dennis Collins said that you had to be very careful when it came to regulating peoples' private property rights and that implementing that type of ordinance was very difficult at best.

Ms. Anderson asked if the park at Shorelands could be renamed the Priscilla Ireland Brower Memorial Park, since Mrs. Brower recently passed away.

Mayor Howard said that the park would not be renamed but a new sign would be coming soon. She said that she was working with Bob Stetz on a new location for the sign.

Keri Tenuto, 37 Shrewsbury Drive, asked if the tree that the Borough had to remove at the park would be replaced by two new trees. She said that area residents would be willing to help fund the replacement.

Ms. Tenuto said that it was very upsetting that the original tree had to be removed due to the damage that had been done to it by a resident of the area. She said it was disgusting that someone would do such a thing and she asked if the person who had damaged the tree would be held accountable.

Mayor Howard said that there was an ongoing police investigation into the incident.

There being no further comments or questions,

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: Aye -3- Nay -0-.

Dennis Collins said that the Commissioners would go into executive session at this time. He said the public meeting would be reconvened at the conclusion.

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

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: Contract Negotiations.

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 in which the public body is or may be a party.

Commissioner Cunniff moved, seconded by Commissioner McBride that the executive session be adjourned and that the public meeting be re-convened.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3-
Nay -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: Aye -3-
Nay -0-.

Mayor Howard

Commissioner Cunniff

Commissioner McBride

ATTEST:

Joyce L. Escalante, RMC
Municipal Clerk
May 26, 2015