

Office of the Board of Commissioners
Borough of Monmouth Beach
June 24, 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 included in a list of meetings transmitted to the Asbury Park Press and The Link News on February 25, 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, 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 McBride
Absent – Commissioner Cunniff

At this time Borough Attorney Dennis Collins said that the Commissioners would convene a brief Executive Session to discuss the enforcement of police regulations regarding tactics and techniques used to protect the public.

Commissioner McBride 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:

Enforcement of Police Regulations Regarding Tactics and Techniques Utilized in Protecting the Safety and Property of the Public

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; and

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:

Tactics and Techniques Utilized in Protecting the Safety and Property of the Public

At the conclusion of the Executive Session,

Commissioner McBride moved, seconded by Mayor Howard that the executive session be adjourned and the regular meeting be re-convened.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -2-, Nay -0-, Absent -1-.

Commissioner McBride moved, seconded by Mayor Howard that the reading of the minutes of the previous meetings held on April 22, April 28, May 12 and May 27, 2014 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-, Absent -1-.

Commissioner McBride moved, seconded by Mayor Howard that bills totaling \$363,454.42 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 -2-, Nay -0-, Absent -1-.

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

RESOLUTION

BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute the attached Shared Service Agreement with the County of Monmouth for beach raking services for 2014; and

BE IT FURTHER RESOLVED that a copy of this Resolution and Agreement be filed with the Board of Chosen Freeholders of the County of Monmouth, State of New Jersey.

RESOLUTION

WHEREAS, in accordance with N.J.A.C. 13 and N.J.S.A. 33, the following application for renewal of a liquor license and fees have been received by the Municipal Clerk for:

MD RETAIL CORP PLENARY RETAIL DISTRIBUTION LICENSE #1333-44-002-010

WHEREAS, the Clerk has also received a 'Clearance Certificate' from the State of New Jersey Division of Taxation, in accordance with Chapter 161, Laws of New Jersey, 1995; and

WHEREAS, the Liquor License Renewal Application of the aforesaid has been hereby approved by the Monmouth Beach Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that the above listed liquor license shall be renewed for one year, effective July 1, 2014, and shall be subject to comply with the provisions of the Borough of Monmouth Beach Code.

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:

Change Order #	Change Order #1
Project	2013 Capital Improvement Program – Phase I (Sailors Way, Ellis Court, Willow Road)
Contractor	Fiore Paving Company, Inc.

BE IT RESOLVED that this Change Order revises the contract to reflect as-built quantities for some item, to address modifications to the drainage system on Willow Road as a result of a gas conflict, and to include the replacement of 50 additional liner feet of collapsed drainage pipe on Sailors Way that was found during the curb installation; and

BE IT RESOLVED that approximately 85% of this change order amount is associated with the unanticipated collapsed drainage pipe on Sailors Way; and

BE IT RESOLVED that this Change Order increases the contract amount by \$10,220.04; and

BE IT RESOLVED that this Change Order extends the contract completion date to July 31, 2014; and

BE IT RESOLVED that the Borough Engineers, T&M Associates, in a letter dated June 19, 2014, have recommended that the change order be approved,

NOW, THEREFORE, BE IT FINALLY RESOLVED that Change Order #1 for the

2013 Capital Improvement Program – Phase I be and is hereby approved.

RESOLUTION

WHEREAS, Senate Bill No. 2171/Assembly Bill No. 1596 would authorize any county of the fifth or sixth class (Atlantic, Cape May, Monmouth and Ocean Counties) to assume complete responsibility for the operation and control of the beaches that border the Atlantic Ocean within the county by ordinance or resolution; and

WHEREAS, shore communities have a long standing tradition of providing for the public health, safety and welfare of beach goers in their communities; and

WHEREAS, shore communities have the ability to provide a seashore experience in keeping with the lifestyle and character of its own design; and

WHEREAS, the communities have had ability to sell beach badges since the 1970's; and

WHEREAS, revenues from beach badge sales have been dedicated to the cleaning and maintaining of beaches and public restrooms along with the provision of seasonal lifeguards and law enforcement; and

WHEREAS, seasonal beach operations provide jobs for high school and college students and senior citizens in the community; and

WHEREAS, beach badge fees are user fees created to offset the cost directly to the taxpayers and are enforced during seasonal beach-going hours only, all other times beaches are 100% free; and

WHEREAS, many municipalities welcomed and accepted legislation to allow for free or reduced beach badges for active members of the Armed Forces and Senior Citizens; and

WHEREAS, Federal beach re-nourishment is primarily a means of protection through dune stabilization to local homes and businesses from storm surges; and

WHEREAS, the proposed legislation does not consider the tax impact to shore communities if beach badge revenues are lost; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Monmouth Beach strongly oppose any legislation that would regionalize the provision of beach management and operations while putting the burden of beach public health, safety and welfare onto the taxpayers of all the municipalities.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Governor Chris Christie, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, the members of the Monmouth County Legislative Delegation, the sponsors of the aforesaid bill, all County Board of Chosen Freeholders and the Mayors of all Monmouth County municipalities.

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

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Commissioner McBride moved, seconded by Mayor Howard 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 -2-, Nay -0-, Absent -1-.

There being no public in attendance,

Commissioner McBride moved, seconded by Mayor Howard that the hearing on the Ordinance be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -2-, Nay -0-, Absent -1-.

Commissioner McBride moved, seconded by Mayor Howard 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 -2-, Nay -0-, Absent -1-.

At this time, the Clerk presented the **2014 Municipal Budget** for a Public Hearing and noted that copies were available to the public.

Commissioner McBride moved, seconded by Mayor Howard that the hearing on the 2014 Municipal Budget be opened to the public.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -2-, Nay -0-, Absent -1-.

There being no public in attendance,

Commissioner McBride moved, seconded by Mayor Howard that the hearing on the Budget be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -2-, Nay -0-, Absent -1-.

John Antonides, the Borough's CFO, explained that the Budget could not be adopted at this time as he was waiting for approval from the State which he said should come shortly.

Administrator's Report: Mr. Chismar had nothing to report.

Attorney's Report: Mr. Collins had nothing to report.

Commissioner McBride 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 -2-, Nay -0-, Absent -1-.

Ralph Anderson, a Tocci Avenue resident, said he had contacted the Borough Clerk regarding planting improvements he wanted to make to the section of the "island" near his home. He said the Clerk had forwarded his request and contact information to the Shade Tree Commission but so far no one has contacted him. Mr. Anderson presented pictures of the area in question along with a rendering of what the area would look like if he was permitted to develop it.

The Clerk said that she would contact someone from the Shade Tree Commission in the morning and would give them copies of the pictures.

There being no further business,

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

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -2-, Nay -0-, Absent -1-.

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

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -2-, Nay -0-, Absent -1-.

Mayor Howard

Commissioner McBride

ATTEST:

Joyce L. Escalante, RMC
Borough Clerk
June 24, 2014