

Office of the Board of Commissioners
Borough of Monmouth Beach
SPECIAL MEETING
July 23, 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 July 18, 2013. 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 6:00 pm

Present – Mayor Howard, Commissioner Cunniff

Absent – Commissioner McBride

Mayor Howard stated that the main purpose of this special meeting was to hold a public information meeting on the Sand Replenishment Program that was underway in the Borough.

Mayor Howard said that a few items of Borough business would be taken care of prior to the public hearing.

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

032928	125.00	07/23/13	ALLEN MILLER
032929	122.00	07/23/13	ASBURY PARK PRESS
032930	926.67	07/23/13	ASSOCIATED HUMANE SOCIETIES
032931	252.87	07/23/13	ATLANTIC PLUMBING SUPPLY CORP.
032932	261.94	07/23/13	AVAYA FINANCIAL SERVICES
032933	155.43	07/23/13	AVAYA, INC.
032934	1494.00	07/23/13	BOROUGH OF EATONTOWN
032935	154.85	07/23/13	BULLET LOCK & SAFE CO., INC.
032936	209.90	07/23/13	COMCAST
032937	99.90	07/23/13	COMCAST
032938	30.00	07/23/13	CONNIE GRZYCKA
032939	949.20	07/23/13	CUSTOM TIRE ASSOCIATES
032940	297.00	07/23/13	E. RUNYON T/A AQUATIC SERVICES
032941	5000.00	07/23/13	EMERGENCY COMMUNICATIONS NETWORK
032942	1937.00	07/23/13	EMERGENCY REPORTING
032943	161.89	07/23/13	F & C AUTOMOTIVE SUPPLY INC.
032944	1112.92	07/23/13	FNA JERSEY LIEN SERVICES, LLC
032945	112.59	07/23/13	GALL'S, INC.
032946	129.34	07/23/13	GALLS, AN ARAMARK COMPANY
032947	155.13	07/23/13	GEORGE WALL LINCOLN MERCURY
032948	70.00	07/23/13	GLUCKWALRATH LLP
032949	187.92	07/23/13	GRAINGER GOVERNMENT CALL CENTER
032950	407.75	07/23/13	HERITAGE BUSINESS SYSTEMS
032951	4236.23	07/23/13	JERSEY CENTRAL POWER & LIGHT
032952	4825.00	07/23/13	JOHN L. KRAFT, ESQ.
032953	32.60	07/23/13	KEPWELL SPRING WATER CO., INC.
032954	171.24	07/23/13	LAWES OUTDOOR POWER EQUIPMENT
032955	2545.00	07/23/13	MICHAEL A IRENE, JR. ESQ.
032956	1264.30	07/23/13	MIRACLE CHEMICAL COMPANY
032957	221.00	07/23/13	MR. JOHN INC.
032958	373.84	07/23/13	NAPA AUTO PARTS
032959	2886.80	07/23/13	NEW JERSEY AMERICAN WATER CO.
032960	20.00	07/23/13	NEW JERSEY ASSOC FLOODPLAIN MANAGEMENT
032961	14.93	07/23/13	NEW JERSEY TURNPIKE AUTHORITY
032962	8547.04	07/23/13	PRESCRIPTION CORPORATION OF AMERICA
032963	49.95	07/23/13	RED THE UNIFORM TAILOR
032964	325.00	07/23/13	RELIABLE WOOD PRODUCTS, LLC
032965	45.25	07/23/13	SEABOARD FIRE & SAFETY EQUIPMENT CO.
032966	853.77	07/23/13	STAPLES BUSINESS ADVANTAGE
032967	84000.74	07/23/13	T & M ASSOCIATES
032968	2812.50	07/23/13	THOMAS PLANNING ASSOCIATES, LLC
032969	900.00	07/23/13	TWO RIVERS WATER RECLAMATION AUTHORITY
032970	16.28	07/23/13	UPS
032971	1234.58	07/23/13	US BANK CUST FOR PRO CAPITAL I LLC
032972	936.79	07/23/13	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 approved:

**RESOLUTION OF THE BOROUGH OF MONMOUTH BEACH
OPPOSING THE CLOSURE OF THE WOODBRIDGE DEVELOPMENTAL CENTER**

WHEREAS, in an effort to reduce New Jersey's reliance on institutional care, the Task Force on the Closure of State Developmental Centers was created by the State Legislature and charged with reviewing certain criteria of each State-owned facilities including but not limited to the local economic impact of losing a center; the ability of a community to provide or develop services for those leaving who wanted to leave or didn't oppose moving outside the region; the State's ability to maintain operations, and projected repair and maintenance of each center; and

WHEREAS, among the seven (7) State-operated facilities for this purpose is the Woodbridge Developmental Center (WDC), a residential facility, established in 1965 for persons with developmental disabilities and located on a 68 acre tract of land in the Avenel section of Woodbridge Township, New Jersey that houses nearly 400 residents; and

WHEREAS, there are many Monmouth Beach residents who work in these facilities and have family members who reside there who would be displaced if the Center closed.

WHEREAS, a task force established by the State Legislature that has recommended on July 23, 2012, Woodbridge Developmental Center (WDC) as well as the North Jersey Developmental Center (NJDC) be closed by 2017; and

WHEREAS, transferring clients from the long-term institutional care center to community housing may negatively effect the clients themselves and create distress from possibly displacing the clients from family and friends due to the change in housing; and

WHEREAS, the Borough of Monmouth Beach is deeply concerned with the detrimental economical effect of the closing of these developmental centers due to the fact that it would result in the loss of nearly 2000 jobs in the communities combined, some of which are residents of the Monmouth Beach community; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commissioners of the Borough of Monmouth Beach, County of Monmouth and State of New Jersey as follows:

1. The Borough hereby expresses its disagreement with the finding and the conclusion of the Task Force On The Closure of Developmental Centers; ; opposing the closure of the Woodbridge Developmental Center as it is a vital and valuable resource and should be kept in operation for the benefit of its residents, its employees and the state in which they provide services

BE IT FURTHER RESOLVED the Borough Clerk will forward certified copies of this Resolution to Governor Chris Christie, 11th District Senator Jennifer Beck, the Honorable Mary Pat Angelini and the Honorable Caroline Casagrande

**A RESOLUTION GRANTING A VARIANCE TO LOT 59 BLOCK 3.01
(46 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 59 Block 3.01 and more commonly known as 46 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 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 59 Block 3.01, also known as 46 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

**A RESOLUTION GRANTING A VARIANCE TO LOT 25.01 BLOCK 45
(4 Willow Avenue) 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 25.01 Block 45 and more commonly known as 4 Willow Avenue seeks the following relief:

2. 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 25.01 Block 45, also known as 4 Willow Avenue from the strict application of Floodplain Construction Standards in particular as follows:

5. 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
6. A Zone construction techniques shall be utilized; and
7. 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
8. 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

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that John Antonides be and is hereby appointed to serve as Certified Municipal Finance Officer and Certified Municipal Tax Collector for the Borough of Monmouth Beach for a four year term, effective June 20, 2013; and

BE IT FURTHER RESOLVED that said appointment shall expire on December 17, 2017.

RESOLUTION

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that John Antonides be and is hereby appointed to act as the Qualified Purchasing Agent for the Borough of Monmouth Beach.

RESOLUTION

BE IT RESOLVED by the Mayor and Commissioners of the Borough of Monmouth Beach that the following Revision to Change Order No. 1 been presented for approval for the following project:

Change Order #	Change Order #1 (Revised)
Project	2013 Beach Access Stair/Dune Walkover Replacement
Contractor	Causeway Construction LLC

BE IT FURTHER RESOLVED that Change Order No. 1 has been revised to correct the mathematic error in the "net change in contract" on the first page;

BE IT FURTHER RESOLVED that said revision will not result in an increase in the contract amount; and

BE IT FURTHER RESOLVED that the Borough Engineers, T&M Associates, in a letter dated July 19, 2013, have recommended that the change order revision be approved,

NOW, THEREFORE, BE IT FINALLY RESOLVED that the Revision to Change Order #1 for the 2013 Beach Access Stair/Dune Walkover Replacement Project be and is hereby approved.

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 #2
Project	2013 Beach Access Stair/Dune Walkover Replacement
Contractor	Causeway Construction LLC

BE IT FURTHER RESOLVED that this Change Order reflects the costs associated with the additional work required for the 5' x 9' ramp extension on the south side, additional railings required by the Building Sub-code, construction of a concrete landing at the top of the seawall and associated railing extensions; and

BE IT FURTHER RESOLVED that said revision increases the contract amount by \$5,420.00; and

BE IT FURTHER RESOLVED that the Borough Engineers, T&M Associates, in a letter dated July 19, 2013, have recommended that the change order be approved,

NOW, THEREFORE, BE IT FINALLY RESOLVED that Change Order #2 for the 2013 Beach Access Stair/Dune Walkover Replacement Project.

RESOLUTION

BE IT RESOLVED that the due date for the payment of 3rd quarter 2013 property taxes for the Borough of Monmouth Beach be and is hereby extended from August 1, 2013, to September 9, 2013.

RESOLUTION REQUESTING COAH REVIEW AND APPROVE THE BOROUGH OF MONMOUTH BEACH'S SPENDING PLAN

WHEREAS, the Governing Body of Monmouth Beach filed a Declaratory Judgment action in the Superior Court of New Jersey, Monmouth County-Law Division on December 31, 2008 seeking approval of its Third Round Housing Element and Fair Share Plan captioned In the Matter of the Application of the Borough of Monmouth Beach, County of Monmouth, Docket No. MON-L-2551-06; and

WHEREAS the Court and/or COAH previously approved the Borough of Monmouth Beach's Development Fee Ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, and proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units,

- rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
 4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
 5. A schedule for the expenditure of all affordable housing trust funds;
 6. If applicable, a schedule for the creation or rehabilitation of housing units;
 7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
 8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
 9. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
 10. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Borough of Monmouth Beach, Monmouth County has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Borough of Monmouth Beach, Monmouth Beach requests that COAH review and approve the Borough of Monmouth Beach's spending plan.

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

End of Consent Agenda

The Clerk read the following Ordinance by title only:

**ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF
MONMOUTH BEACH, NEW JERSEY FOR PAYMENT OF PRINCIPAL AND
INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES
2013 (SHORE REGIONAL SCHOOL DISTRICT PROJECT) OF THE MONMOUTH
COUNTY IMPROVEMENT AUTHORITY**

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 August 13, 2013.

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 opened to the public.

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

At this time, Mayor Howard introduced Benjamin Keiser, Manager, Bureau of Coastal Engineering for the New Jersey Department of Environmental Protection.

Mr. Keiser introduced the following individuals:

Janice Scoll, DEP, Engineering Department
Jennifer Thalhouser, Project Manager, Army Corps of Engineers
Paul Jalowski, Army Corps of Engineers

Paul Kara, civil engineer, Army Corps of Engineers
Gene Urbanik, Army Corps of Engineers
Matt Bishop}
George Strong} Great Lakes Dredging & Docks
Megan Place}

Ms. Thalhouser said they were repairing the project at the request of the State and they had been given the go ahead to repair the Sandy Hook to Manasquan section of the project. She said the project would be fully funded with federal funds and that they were going to restore the beach to the original project limits, not just to pre Sandy conditions.

Ms. Scoll gave a brief slide presentation and an overview of the sand replenishment project. She explained that the beach would be closed in 1000 foot sections while the pumping was taking place. Ms. Scoll said the sand would be pumped around the clock, 24/7. She stated that the sand was screened for munitions, large rocks, and anything else that did not belong on a beach.

Ms. Scoll stated that the various representatives present would be happy to answer any questions that the public had regarding the project.

Mayor Howard noted that this was the third time in three years that sand was being pumped onto the Borough's beaches. She said it had been a smooth process each time. Mayor Howard said that the guarded area of the beach would be shifted to accommodate the sand pumping.

Daniel Verina, a Sea Bright resident, said he had heard that the pumping process moved quickly but that the pipes would remain in place for quite a while. He asked why the pipes couldn't be removed sooner.

Mr. Keiser said that it was an expensive endeavor to move the pipes so they would stay in place until the pumping was finished. He said it came down to money. Mr. Keiser said that there were three sections to the project and each section would take approximately three weeks to complete.

Several audience members complained about a terrible odor that seemed to be coming from the dumpster that was on site.

Paul Kara said the smell could be coming from the dredge spoils that were being deposited in the dumpster. He explained that the dumpsters would move as the project moved. Mr. Kara said he would talk to the contractor and see if the dumpsters could be emptied more frequently.

Bill Haas, 26 Ocean Avenue, said that after Hurricane Sandy, Governor Christie and President Obama said that New Jersey needed sand dunes on its beaches. He asked why some areas were getting dunes but the Army Corps said that Monmouth Beach was not.

Mr. Keiser explained that the Sandy bill authorized the Army Corps to do what had been approved by Congress in the past. He said that at this time they have to put back what was there previously.

Mr. Haas asked what were going to do about the seawall since they were not putting dunes in.

Mr. Keiser said went to the Army Corps back in November to see about a rehab of the sections of the seawall that had been damaged but was told that it was not an Army Corps project. He said he met with FEMA in June, putting the issue of ownership of the seawall aside. Mr. Keiser noted that the State had funded 75% of the cost of the seawall originally. Mr. Keiser said that within the next two to three weeks, engineers would be assessing the damage and would come up with a cost for the repairs.

Mayor Howard said that the Borough has applied to raise the seawall.

Katrina Rempel, 9 Meadow Avenue, said that large trucks were coming and going from the staging area and she was concerned with the safety of children that she had seen in the area.

Mr. Keiser said that safety was always the top priority on any project. He said that Paul Kara, Paul Jalowski and Gene Urbanik of the Army Corps of Engineers would talk to the contractor and address their safety concerns.

Sue MacDonald, First Aid Squad, asked if there would be an access point available to the First Aid. She also stated that she needed to be able to park in the Pavilion's designated parking space for the First Aid Squad in order to respond quickly to an emergency.

Mr. Keiser said that emergency vehicles will always be able to get onto the beach in the event of an emergency.

Ed Reagan, Sea Bright resident, asked why there appeared to be gaps in the project where no sand was being pumped.

Mr. Keiser explained that certain areas of the beach already meet or exceed the template. He said that Sea Bright was pumped after Sandy so that section was not approved for replenishment as part of the Sandy Bill.

There being no further comments or questions from the audience,

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: Aye -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: Aye -2-, Absent -1-.

Mayor Howard

Commissioner Cunniff

ATTEST:

Joyce L. Escalante, RMC
Borough Clerk
July 23, 2013