

Office of the Board of Commissioners  
Borough of Monmouth Beach  
August 25, 2015

The following statement was read by Mayor 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 McBride

Absent – Commissioner Cunniff

Commissioner McBride moved, seconded by Mayor Howard that the reading of the minutes of the previous meeting held on July 28 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 \$189,831.56 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 AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS  
IN THE BOROUGH OF MONMOUTH BEACH**

**BE IT RESOLVED** by the Mayor and Commissioners of the Borough of Monmouth Beach that pursuant to the New Jersey Uniform Fire Code, N.J.A.C. 5:70-3.2(a) F-3103.3, the Mayor and Commissioners of the Borough of Monmouth Beach hereby authorize and grant a permit for the public display of Fireworks for September 12, 2015 with a rain date of September 13, 2015; and

**BE IT RESOLVED** that a contract agreement be entered into by and between the Borough of Monmouth Beach and Garden State Fireworks Inc. in the amount of Ten Thousand Dollars (\$10,000.00) to provide said fireworks display in the Borough of Monmouth Beach; and

**BE IT RESOLVED** that the municipal fee for the fireworks display should be waived in this case; and

**BE IT FURTHER RESOLVED** that the Monmouth Beach Fire Official shall insure that all applicable regulations are enforced, all required permits obtained and all necessary insurance documents filed.

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**RESOLUTION**

**WHEREAS**, proposals were solicited by the Borough of Monmouth Beach for Document Imaging Services for the Monmouth Beach Construction Department; and

**WHEREAS**, the Mayor and Commissioners have reviewed the proposals submitted,

**NOW, THEREFORE, BE IT RESOLVED** that the proposal submitted by FoveonicsImaging Technologies, 310 Main Street, Suite 6, Toms River, NJ 08754 in the amount of \$19,001.66 be and is hereby accepted and awarded; and

**BE IT FURTHER RESOLVED** that said fee represents the amount to be charged for the initial year of DocumentSync EDMS at a rate of \$3,241.66 plus the scanning services of \$15,760.00 for a total of \$19,001.66; 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 contract documents by the Borough Attorney; and

**BE IT FINALLY RESOLVED** that the Mayor and Borough Clerk are authorized to confirm and authorize the work outlined in the proposal submitted by FoveonicsImaging Technologies, Inc.

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RESOLUTION APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2015 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS

WHEREAS, the Shore Regional School District (the "Board") desires to lease and permanently finance the cost of acquisition of certain capital equipment (the "Equipment") from The Monmouth County Improvement Authority (the "Authority"); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2015 (Shore Regional School District Project) (the "Bonds") payable from rentals by the Board pursuant to a Lease and Agreement by and between the Board and the Authority (the "Lease"); and

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2015, there has been prepared and submitted to the Borough of Monmouth Beach, New Jersey (the "Municipality") a Letter of Representation in the form attached hereto as Exhibit A; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2015 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person");

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF MONMOUTH BEACH, AS FOLLOWS:**

**Section 1.** That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Lease) is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 2.** That the Continuing Disclosure Agreement, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the

Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the determination by the Authority that the Municipality is or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2015 and all related transactions contemplated by this resolution.

Section 4. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective immediately.

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

*End of Consent Agenda*

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

AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE BOROUGH OF MONMOUTH BEACH, MONMOUTH COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF.

Commissioner McBride 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 September 22, 2015.

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

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

**An Ordinance Amending Chapter XXX (Land Use Regulations) Of The General Ordinances Of The Borough Of Monmouth Beach.**

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-.

Mayor Howard said that this amendment would modify the Borough's regulations concerning free standing signs.

Bonnie Heard, the Borough's Engineer and Zoning Officer, said that this amendment would correct an inconsistency in the present regulations.

Art Carine, Beach Road, asked if the signs that were currently in town would be allowed to remain.

Mayor Howard said that the existing free standing signs were permitted, such as the one at the bank and the O'Brien realty sign.

Mr. Carine said he thought the present regulations permitted one sign for a commercial operation. He pointed out that the Kitchen Witch had seven signs.

Mayor Howard said that she was working with Bonnie Heard on that issue.

Mr. Carine said the Borough had never properly enforced the sign regulations.

Mayor Howard said that Bonnie Heard had done an analysis of the signs presently in town after Mr. Carine voiced his concerns at the last meeting.

Mr. Carine inquired as to what the law presently permitted.

Bonnie Heard said that one sign along the front (a wall sign), one projecting sign, and certain window signs were permitted.

Mr. Carine asked the Commissioners to please do something as he felt there were too many signs in the town.

Mayor Howard explained that this amendment was only to bring the presently existing free standing signs into compliance.

Mr. Carine asked how long the Wells Fargo Bank sign had been in place and who was responsible for regulating the signs once they were up to be sure that they were in compliance.

Stanley Kremin, Channel Club Tower, stated that the Wells Fargo sign had been up for at least ten years and had been a Wachovia sign before.

There being no further comments or questions,

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-.

**An Ordinance Authorizing The Guaranty By The Borough Of Monmouth Beach, New Jersey Or Payment Of Principal And Interest On The Capital Equipment Lease Revenue Bonds, Series 2015 (Shore Regional School District Project) Of The Monmouth County Improvement Authority**

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-.

Dennis Collins explained that Shore Regional High School participated in the Monmouth County Improvement Authority's funding process and was able to secure better rates. He said the member towns signed off to guarantee the payments and that this process was done every year.

There being no comments or questions from the audience,

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 public hearing.

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

*Administrator's Report:*

Judy Wilson said that the Library was scheduled to be lifted tomorrow.

Ms. Wilson thanked Joe Chirichello, the Superintendent of Public Works, for everything that his department had done all Summer. She noted that Joe was working with less staff but still able to take care of everything in town, from watering flower baskets to handling clean up needs. She said he had a great first summer as head of Public Works.

Mayor Howard also thanked Police Chief Tom Walsh and his department, noting that this was Tom's first summer as Chief.

*Borough Attorney's Report:*

Mr. Collins said he had nothing to report but he acknowledged the presence of several residents of Channel Club Tower who were here to discuss the parking situation on Channel Drive.

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-.

Arthur Chianese, 8 Tocci Avenue, asked the status of the matter of an application that had gone before the Planning Board for permission to build on an undersigned lot on Tocci Avenue.

Mr. Collins said the applicant filed a lawsuit against the Borough and the Planning Board. He said a judge would address whether the Planning Board acted correctly when it denied the application on res judicata.

Mr. Chianese asked if the neighbors would be notified when the judge made a decision.

Mr. Collins said that there was no requirement to notify residents in the area. He suggested that Mr. Chianese check with the Administrator's office periodically.

Mr. Chianese said that the neighbors may want to appeal the judge's decision if it goes against their interests.

There were several residents of Channel Club Tower who came to the meeting to discuss the private road known as Channel Drive. The residents felt that a very dangerous condition had been created now that Morgan Realty, the owner of the road, was allowing parking on both sides.

Dennis Collins addressed the audience at length, giving them the background and history, past and present, of Channel Drive. He said it was private property, a private road with public access. Mr. Collins said that in the past, the Commissioners had supported the position of the residents of the condominium and had mediated between both parties in brokering various agreements over the years.

Mr. Collins said that since the Channel Club residents have been complaining about the two sided parking, he had looked at every possible law or agreement but because it was a private road the Commissioners had very little influence upon the outcome.

Mr. Collins said that the situation was created by an agreement that the Association had signed with Morgan Realty. He noted that he had brought several copies of the agreement to

tonight's meeting. Mr. Collins pointed out Section 4 of the agreement and said that it could mean that parking could be permitted on both sides of the road.

A lengthy discussion took place between Dennis Collins and several residents of Channel Club Tower. Many residents voiced their concerns over what they said was a major public safety hazard, created by allowing parking on both sides of Channel Drive. Among those who spoke were Karen Sweeney, Gray Sensinich, Myron Kaller, and Charles Schibetti.

Tom Walsh, Chief of Police, said the situation was very frustrating for his department but since Channel Drive was private property, there was no police activity on the roadway.

Mr. Collins suggested that the residents reach out to their Association and to Morgan Realty to try to discuss the situation. He said the Commissioners did not have the jurisdiction to solve the problem.

There being no further business,

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

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

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Mayor Howard

ABSENT  
Commissioner Cunniff

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Commissioner McBride

ATTEST:

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Joyce L. Escalante, RMC  
Municipal Clerk  
August 25, 2015