

Office of the Board of Commissioners  
Borough of Monmouth Beach  
November 13, 2014

The following statement was read by Mayor Susan Howard:

This special meeting is called pursuant to the provisions of the Open Public Meetings Law. Notice of this meeting was published in the Asbury Park Press on November 10, 2014 and transmitted to the Link News on November 6. 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 November 6. The notice has remained continuously posted as required under the statute.

Mayor Howard called the meeting to order at 4:30 pm.

The Mayor requested that all persons rise for the Pledge of Allegiance.

Present - Mayor Howard, Commissioner Cunniff, Commissioner McBride  
Absent - None

Commissioner Cunniff moved, seconded by Mayor Howard that bills totaling \$92,885.31 which had been reviewed by their respective department heads, be approved for payment.

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

Commissioner Cunniff moved, seconded by Commissioner McBride, that the following Resolutions be passed and adopted:

**RESOLUTION AWARDING  
A CONTRACT FOR REPAIRING SLABS AROUND THE POOL AT THE  
MONMOUTH BEACH BATHING PAVILION**

**WHEREAS**, proposals were solicited by T&M Associates, Borough Engineers, on behalf of the Borough of Monmouth Beach for repairing slabs around the pool at the Monmouth Beach Bathing; and

**WHEREAS**, the following two proposals were submitted:

Global Property Services and Construction, LLC – Morganville, NJ - \$10,975.00  
Concrete Chiropractor – Flag town, NJ - \$ 30,000.00

**WHEREAS**, the Mayor and Commissioners have reviewed the quotes submitted and the recommendation of the Borough Engineer as set forth in a letter dated November 11, 2014;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Monmouth Beach that the proposal submitted by Global Property Services and Construction, LLC be and is hereby accepted, subject to the Chief Financial Officer certifying that funds are available for this project; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are authorized to confirm the work outlined in the proposal of Global Property Services and Construction, LLC as referred to herein.

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**A RESOLUTION WAIVING PERFORMANCE BOND REQUIREMENTS FOR  
STREET OPENINGS UNDER THE SUPERVISION OF THE TRWRA  
IN THE BOROUGH OF MONMOUTH BEACH  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**WHEREAS**, the TRWRA has requested that the Borough waive the requirement that a performance bond be posted to ensure the restoration of the street after completion of construction for street openings permit: and

**WHEREAS,** The Borough of Monmouth Beach recognizes that the TRWRA has agreed to remain responsible for such restoration and that the requirement of posting a bond is passed onto TRWRA as a cost of the contractor; and

**WHEREAS,** waiving of the requirement to post a bond benefits the taxpayer without a detrimental effect:

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Commissioners of the Borough of Monmouth Beach, that the requirement that a performance bond be posted for street restoration shall be waived for all projects supervised and controlled by the TRWRA

**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

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**RESOLUTION AMENDING A PREVIOUS RESOLUTION AUTHORIZING A CONTRACT WITH JERSEY PROFESSIONAL MANAGEMENT FOR RECRUITING SERVICES**

**WHEREAS,** the Board of Commissioners of the Borough of Monmouth Beach have determined to retain a municipal recruiting service to assist the governing body for the purpose of interviewing, selecting and hiring a Borough Administrator and Chief Financial Officer and interim administrative recommendations; and

**WHEREAS,** the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection.

**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. That a contract be awarded to Jersey Professional Management, 23 North Avenue East, Cranford, NJ, without competitive bidding in accordance with the requirements for extraordinary, unspecifiable services of N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because of the complexities of recruiting suitable candidates for key municipal and county government positions; the need for a thorough grasp of duties required of various public employees; special skills required to prepare job descriptions, and necessity to utilize an agency having substantial expertise, training and thorough knowledge of local municipal affairs as well as a proven reputation of recruitment of qualified employees for local government services.
2. This resolution supersedes and amends the previous resolution adopted by the Mayor and Commissioners

**BE IT FURTHER RESOLVED** that for the reasons indicated above and for the services to be provided, Jersey Professional Management shall be paid a sum not to exceed the amount of \$11,500, plus the direct cost of advertising the position of Borough Administrator and Chief Financial Officer, and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized and directed to execute an appropriate agreement with Jersey Professional Management.

**BE IT FURTHER RESOLVED** This contract has been awarded based on the merits and abilities of the professional referred to herein to provide the services described. This contract was awarded through the "Alternative Method" pursuant to N.J.S.A. 19:44A-20.4 to ensure that the professional is not permitted to make unrestricted political contributions to those in office as might be permissible under the "fair and open" process.

**BE IT FURTHER RESOLVED** that the Borough Clerk shall publish a notice of this contract award in the official newspaper of the municipality as required by law.

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

The Commissioners briefly discussed the need to amend the Borough's Zoning Code to address certain pre-existing conditions post Sandy.

The following Ordinance was read by title only by the Borough Attorney:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CERTAIN SECTIONS OF CHAPTER XXX TITLED "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF THE BOROUGH OF MONMOUTH BEACH TO AMEND CERTAIN STANDARDS.**

Mayor Howard moved, seconded by Commissioner Cunniff that the foregoing Ordinance be passed on title only and that the Clerk be instructed to advertise the Ordinance for a public hearing to be held on December 16, 2014.

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

Mayor Howard noted that the Clerk would forward the Ordinance to the Planning Board for their review and input.

Borough Attorney Dennis Collins said that the Commissioners would enter into Executive Session at this time.

Commissioner Cunniff offered 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: Pending or Anticipated Litigation-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:

Related to pending/anticipated litigation or contract negotiations in which the public body is or may be a party.

Falls within the attorney-client privilege and confidentiality is required.

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

Commissioner Cunniff moved, seconded by Commissioner Cunniff that the Executive Session be closed and that the public meeting be re-convened.

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

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-.

There being no public comment and no further business,

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-.

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-.

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Mayor Howard

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Commissioner Cunniff

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Commissioner McBride

ATTEST:

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Joyce L. Escalante, RMC  
Borough Clerk  
November 13, 2014