

Office of the Board of Commissioners
Borough of Monmouth Beach
December 22, 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.

The Pledge of Allegiance was recited

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

Present – Mayor Howard, Commissioner Cunniff

Absent – Commissioner McBride

Commissioner Cunniff moved, seconded by Mayor Howard that bills totaling \$132,924.40 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 Cunniff moved, seconded by Mayor Howard that the following Consent Agenda items be passed and adopted:

RESOLUTION
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of

this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Monmouth Beach, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION

AUTHORIZING CANCELLATION OF 2015 TAX DEBIT AND CREDIT BALANCES OF LESS THAN \$5.00

WHEREAS, properties reflect 2015 tax and credit balances of less than \$5.00, and

WHEREAS, it is deemed unfeasible to incur the cost of collecting or refunding tax balances of less than \$5.00.

NOW, THEREFORE, BE IT RESOLVED by the Borough Commissioners of the Borough of Monmouth Beach that the Tax Collector, pursuant to R.S. 54:4-91 and R.S. 54:4-91.2 is authorized and directed to cancel the 2015 tax and credit balances of less than \$5.00 for each of the properties as per attached:

RESOLUTION

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2015

Authorizing Formal Transfer of Funds - 2015 Budget

WHEREAS N.J.S.A. 40A:4-58 states : "Should it become necessary, during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefor and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the governing body may, by resolution setting forth the facts, adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient"; and,

WHEREAS the Chief Financial Officer has recommended that the following transfers, being in compliance with N.J.S.A. 40A:4-58, be made.

NOW THEREFORE BE IT RESOLVED by the Borough Commissioners of the Borough of Monmouth Beach, County of Monmouth, (not less than 2/3 of the full membership concurring affirmatively) that the 2015 budget transfers be made a permanent part of this resolution, are hereby made and approved.

2015 BUDGET TRANSFERS

TRANSFERS TO(INSIDE "CAPS"):

Planning

	\$	
Other Expenses	40.00	To cover additional expenses.

Building & Grounds

	\$	
Other Expenses	656.00	To cover additional expenses.

Vehicle Maintenance

	\$	
Other Expenses	4,005.00	To cover additional expenses.

Police

S&W	\$ 19,000.00	To cover additional expenses.
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Solid Waste Removal

S&W Fire Department	\$ 7,500.00	To cover additional expenses.
Other Expenses	63.00	To cover additional expenses.
	<u>\$ 31,264.00</u>	
TOTAL TRANSFERS TO	<u><u>\$ 31,264.00</u></u>	
TRANSFERS FROM(INSIDE "CAPS"):		
Uniform Fire Safety		
	\$	
Other Expenses	40.00	
Road Repairs		
Salaries	19,108.00	
Utilities		
Electricity	3,500.00	
Solid Waste Removal		
Other Expenses	1,116.00	
Utilities		
Fuel Oil	7,500.00	
TOTAL TRANSFERS FROM	<u><u>\$ 31,264.00</u></u>	

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	Foundation Construction - Sidney B. Johnson Library Building
Change Order #	Change Order #3 and Final
Contractor	Shorelands Construction

BE IT RESOLVED that at a meeting on October 27, 2015, the Commissioners approved Change Order #2 for this Project, which increased the contract amount by \$24,000.00 to include the additional work required for the extension of the foundation; and

BE IT RESOLVED that this change order will reduce the adjusted contract amount by \$265.00; and

BE IT FURTHER RESOLVED, that the final adjusted contract amount is \$144,865.00;

NOW, THEREFORE, BE IT FINALLY RESOLVED that Change Order #3 and final for the Foundation Construction of the Sidney B. Johnson Library Building Project be and is hereby approved.

RESOLUTION

WHEREAS, the appointment of Michael S. Shuhala, Municipal Court Judge, expired December 31, 2015, and New Jersey law provides for an appointment of a Municipal Court Judge for a term of three (3) years; and

WHEREAS, the Borough of Monmouth Beach has the need for a Municipal Court Judge commencing January 1, 2016;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that Michael S. Shuhala, Esq., be and is hereby appointed Municipal Court Judge for a term of three (3) years, commencing January 1, 2016 and ending December 31, 2018; and

BE IT FURTHER RESOLVED that the foregoing appointment be and is hereby made without competitive bidding as a "Professional Service" under the provisions of the Local Public Contract Law (N.J.S.A. 40A:11-1, et. seq.) because said person is authorized by law to practice the profession of Attorney At Law, which profession is regulated by law.

RESOLUTION

WHEREAS, New Jersey law provides for the appointment of a Municipal Prosecutor for a term of one (1) year; and

WHEREAS, the Borough of Monmouth Beach has the need for a Municipal Prosecutor commencing January 1, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that James N. Butler, Jr., Esq., be and is hereby appointed Municipal Prosecutor commencing January 1, 2016 and ending December 31, 2016; and

BE IT FURTHER RESOLVED that the foregoing appointment be and it is hereby made without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Laws (N.J.S.A. 40A:11-1 et seq.) because said person is authorized by law to practice the profession of Attorney At Law, which profession is regulated by Law.

RESOLUTION

WHEREAS, the Borough of Monmouth Beach has a need for a Municipal Public Defender commencing January 1, 2016; and

WHEREAS, New Jersey law provides for the appointment of a Municipal Public Defender for a term of one (1) year;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that Richard M. Keil, Esq. be and is hereby appointed Municipal Public Defender commencing January 1, 2016; and

BE IT FURTHER RESOLVED that the foregoing appointment be and it is hereby made without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Laws (N.J.S.A. 40A:11-1 et seq.) because said person is authorized by law to practice the profession of Attorney At Law, which profession is regulated by Law.

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 OF THE BOROUGH OF MONMOUTH BEACH COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER XI ENTITLED "BEACHES, DUNES, PAVILION AND WATERWAYS" SECTION 11-2.3 ENTITLED "RULES AND REGULATIONS"

Commissioner Cunniff 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 Ordinance would set the 2016 Bathing Pavilion fees. She said there were modest increases to the non residents rates and no change to the resident rates.

There being no comments or questions from the audience,

Commissioner Cunniff 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 Cunniff 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-.

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

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III "POLICE REGULATIONS," SECTION 3-1 "NOISE CONTROL" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MONMOUTH BEACH

Commissioner Cunniff 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 noted that this was the State's model noise Ordinance which the Borough was now adopting.

There being no comments or questions from the audience,

Commissioner Cunniff 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 Cunniff 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-.

Administrator's Report:

Ms. Wilson said that everything was moving along nicely in the Borough and she wished everyone a Happy Holiday.

Attorney's Report:

Mr. Collins had no report other than a brief executive session matter.

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

There being no comments or questions from the audience,

Commissioner Cunniff 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:

Pending or anticipated litigation in which the public body is or may become a party

BE IT FURTHER RESOLVED that it is anticipated that the matters to be discussed 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:

Pending or anticipated litigation in which the public body is or may become a party

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

Upon the conclusion of the executive session,

Commissioner Cunniff moved, seconded by Mayor Howard that 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-.

There being no further business,

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-
Nay -0-, 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-
Nay -0-, Absent -1-.

Mayor Howard

Commissioner Cunniff

Commissioner McBride

ATTEST:

Joyce L. Escalante, RMC
Municipal Clerk
December 22, 2015