

Office of the Board of Commissioners
Borough of Monmouth Beach
April 26, 2016

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 transmitted to The Link News and the Asbury Park Press on February 4, 2016 and 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 Mayor requested that all persons rise. The Pledge of Allegiance was recited

Mayor Howard called the meeting to order at 6:02 pm. The Meeting took place at the Monmouth Beach Cultural Center.

Present - Mayor Howard, Commissioner Cunniff
Absent - Commissioner McBride.

Commissioner Cunniff moved, seconded by Mayor Howard that the reading of the minutes of the previous meetings held on March 22 and April 12, 2016, be dispensed with and that they stand as recorded.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes - 2-Nayes -0-

Commissioner Cunniff moved, seconded by Mayor Howard that bills totaling \$412,475.89, which have been approved by the respective department heads, be paid.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes - 2-Nayes -0-

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

RESOLUTION

WHEREAS, there is a need for Special Accounting Services for the Borough of Monmouth Beach; and

WHEREAS, funds are available for this purpose and will not exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, R.S. 40A:11-1 et. seq., requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bidding must be published no more than ten (10) days following the adoption thereof;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach as follows:

1. The Mayor and Borough Clerk are hereby authorized on behalf of the Borough, to retain Michelle Swisher, of Suplee, Clooney & Company, to provide financial assistance to the Borough's finance office for the 2016 year do hereby appoint Michelle Swisher to perform said services at an hourly rate of \$100.00 per hour.

2. Said company is retained without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the service rendered or performed is to be done by a person or persons authorized by law to practice a recognized profession and whose profession and practice is required by law and bids are not required as per R.S. 40A:5-11.

3. This award shall be contingent upon the execution of a Business Entity Disclosure Certification as well as all other submissions as required by law.

4. A copy of this Resolution shall be published as required by law within ten (10) days of its passage. The Resolution and contract are on file and available for public inspection in the office of the Borough Clerk.

RESOLUTION

Canceling Certain Outstanding Checks

WHEREAS, there exists in the Wells Fargo Payroll Account of the Borough of Monmouth Beach, certain outstanding checks which are over one year old, and

WHEREAS, said checks have been analyzed for proper disposition by the Chief Financial Officer,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that the outstanding checks totaling \$19,792.10, having been analyzed, are hereby canceled.

RESOLUTION

Authorizing a Refund of Escrow

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that based upon the recommendation of the Chief Financial Officer, an refund from the escrow account be made to Joel Weiner, 39 Ocean Avenue, Monmouth Beach due to the fact that Mr. Weiner has withdrawn his Planning Board application; and

BE IT FURTHER RESOLVED that the CFO be and is hereby authorized and directed to refund the sum of \$1,555.00 to Mr. Weiner pending the execution of a Voucher for Refund by Mr. Weiner.

RESOLUTION

AMENDING THE TEMPORARY BUDGET FOR 2016

WHEREAS, N.J.S. 40A:4-19 provides that every Municipality must make temporary appropriations during the period January 1 to adoption of the budget sufficient to cover commitments made during the period January 1 to the date of adoption of the 2016 Budget; and

WHEREAS, the 2016 Budget will not be adopted until after April 1st and commitments need to be covered until the date of adoption;

THEREFORE, the total emergency resolutions adopted in the year 2016 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A-20) including this resolution total \$896,595.00;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the following list of appropriations shall constitute an amendment to the 2016 Temporary Budget of \$395,925.00 for the Borough of Monmouth Beach, Monmouth County, New Jersey.

	2016 BUDGET	2016
TEMPORARY	AMENDMENT	BUDGET
Budget Operating Appropriations	395,925.00	1,997,396.54
Improvements to Bathing Pavilion		300,000.00
	<hr/>	<hr/>
	\$395,925.00	\$2,297,396.54
	<hr/>	<hr/>

RESOLUTION
AMENDING THE TEMPORARY CAPITAL BUDGET FOR 2016

Whereas, the 2016 Temporary Capital Budget of the Borough of Monmouth Beach was introduced and approved on March 22, 2016; and,

Whereas, it is desired to amend said approved temporary capital budget,

Now, therefore, be it resolved by the Governing Body of the Borough of Monmouth Beach, in the County of Monmouth, that the following amendment to the approved 2016 temporary capital budget be made:

Various 2016 Capital Improvements

Now, therefore, be it resolved by the Governing Body of the Borough of Monmouth Beach in the County of Monmouth, that the 2016 Temporary Capital Budget shall be constituted as follows:

Temporary Capital Budget of the
Borough of Monmouth Beach
(Current Year Action)
2016

<u>Project Title</u>	<u>Project Number</u>	<u>Estimated Total Cost</u>	<u>Capital Improvement Fund</u>	<u>Debt Authorized</u>
Various 2016 Capital Improvements	2	\$430,300.00	\$20,492.00	\$409,808.00
Totals - All Projects		\$491,900.00	\$23,426.00	\$468,474.00

Temporary Capital Budget of the
Borough of Monmouth Beach
3 Year Capital Program
Anticipated Project Schedule and Funding Requirements
2016 - 2018

<u>Project Title</u>	<u>Project Number</u>	<u>Estimated Total Cost</u>	<u>Estimated Completion Time</u>	<u>Funding Amounts per Budget Year</u>
Various 2016 Capital Improvements	2	\$430,300.00	2016	\$430,300.00
Totals - All Projects		\$491,900.00	-	\$491,900.00

Temporary Capital Budget of the
Borough of Monmouth Beach
3 Year Capital Program
Summary of Anticipated Funding Sources and Amounts
2016 - 2018

<u>Project Title</u>	<u>Project Number</u>	<u>Estimated Total Cost</u>	<u>Capital Improvement Fund</u>	<u>Bonds and Notes General</u>
Various 2016 Capital Improvements	2	\$430,300.00	\$20,492.00	\$409,808.00
Totals - All Projects		\$491,900.00	\$23,426.00	\$468,474.00

TONNAGE GRANT APPLICATION RESOLUTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2015 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of The Borough of Monmouth Beach to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a Resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commissioners of The Borough of Monmouth Beach that The Borough of Monmouth Beach hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Adam Hubeny to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

RESOLUTION

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that the following program and registration fee be established for participation in the program/activity of the Recreation Commission:

Micro T-ball program:
Open to Monmouth Beach resident girls and boys in Kindergarten & First Grade
\$15.00 per person per season

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

RESOLUTION

WHEREAS, the Borough of Monmouth Beach is a member of the Monmouth Municipal Joint Insurance Fund and the Municipal Excess Liability Fund and as such, has adopted the MEL's employment practices risk control program; and

WHEREAS, to be eligible for premium and deductible incentives, these programs must be updated every two years;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that the Personnel Policy and Procedures Manual and the Employee Handbook for the Borough of Monmouth Beach are hereby updated and re-adopted as required to comply with our Municipal Excess Liability Insurance carrier requirements; and

BE IT FURTHER RESOLVED that the Borough Clerk shall distribute copies of the Personnel Policy and Procedures Manual to the Borough Attorney, Borough Administrator and all Department Heads; and

BE IT FURTHER RESOLVED that the Borough Clerk shall distribute copies of the Employee Manual to all current employees of the Borough of Monmouth Beach.

RESOLUTION

WHEREAS, The Borough Clerk had been authorized by the Board of Commissioners of the Borough of Monmouth Beach to solicit bids for the sale of certain obsolete vehicles no longer needed for public use; and

WHEREAS, one (1) bid was received by the Borough Clerk and opened in public on April 19, 2016; and

WHEREAS, the bid received was not responsive to the minimum bid requirement for the sale;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that the bid received for the sale of certain obsolete vehicles be and is hereby rejected; and

BE IT FURTHER RESOLVED that the Borough Clerk be authorized to re-advertise for bids for the sale of said obsolete vehicles no longer needed for public use.

RESOLUTION

WHEREAS, the Monmouth Beach Fire Company has submitted applications for four raffle licenses of the type stated to be held during the 2016 Firemen's Fair:

- One (1) on premise cash draw raffle (hourly 50/50)
- Two (2) on premise non draw raffles (Big-6 Wheel, Wheels and Games of Chance)
- One (1) off premise cash draw raffle

WHEREAS, the Board of Commissioners of the Borough of Monmouth Beach feel that the applicant is qualified; that the members designated to conduct the games and to assist are of good moral character and have never been convicted of crime;

FURTHERMORE, that the games will be conducted in accordance with the rules and regulations of the Legalized Games of Chance Control Commission and the entire net proceeds are to be devoted to a purpose permitted by the Commission; and

WHEREAS, there is satisfactory proof that no payment will be made for conducting the games or assisting therein and that the prizes are of the nature and amount allowed;

NOW, THEREFORE, BE IT RESOLVED that four raffle licenses be granted to the Monmouth Beach Fire Company, pending final approval from the Legalized Games of Chance Control Commission.

RESOLUTION

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that Evan Morrell, 55 Melrose Terrace, Apt. 210, Long Branch, NJ 07740 be and is hereby appointed to serve as a Special Police Officer, Class II, for the Borough of Monmouth Beach; and

BE IT RESOLVED that said appointment shall be for a one year term, effective as of May 2, 2016; and

BE IT FURTHER RESOLVED that a true copy of this Resolution be transmitted to Thomas C. Walsh, Chief of Police, Monmouth Beach Police Department.

A RESOLUTION GRANTING A VARIANCE TO LOT 13 BLOCK 51 (10 OCEAN 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 13 Block 51 and more commonly known as 10 Ocean Avenue seeks the following relief:

- 1. Relief from the requirement pool filter and pump(and associated equipment and pad) comply with the freeboard requirements of the ordinance; and**

WHEREAS, the property owner has that the pool equipment is in no way related to the viability of any utility servicing the residence and the Borough has confirmed that the residence complies with all requirements of the Flood Plane regulations; and

WHEREAS, although the Borough has adopted the maximum standards recommended by FEMA, the requested variance from the Borough standards should be permitted as this in no way jeopardized the structure on the property nor does it affect vital utilities in the case of a storm. An operating pool is a luxury and in no way advanced the purposes of the Borough's regulations; and

WHEREAS, the Borough recognizes that the grounds upon which variances can and should be granted are met; 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 13 Block 51, more commonly known as 10 Ocean Avenue, from the strict application of Floodplain Construction Standards in particular as follows:

1. The owner shall not be required to comply with the freeboard requirements for the pool equipment pad and the associated equipment. Same can be one foot above grade; and
2. 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
3. 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

WHEREAS, the Church of the Precious Blood has made an application for an on premise 50/50 cash raffle to be held at the parish center, 72 Riverdale Avenue, on June 4 and 5, 2016; and

WHEREAS, the Board of Commissioners of the Borough of Monmouth Beach feel that the applicant is qualified; that the members designated to conduct the games and to assist are of good moral character and have never been convicted of crime;

FURTHERMORE, that the games will be conducted according to the Act and rules and Regulations and the entire net proceeds are to be devoted to a purpose permitted by the Act; and

WHEREAS, there is satisfactory proof that no payment will be made for conducting the games or assisting therein and that the prizes are of the nature and amount allowed by the Act;

NOW, THEREFORE, BE IT RESOLVED that a Raffle License be granted to the Church of the Precious Blood, pending final approval from the Legalized Games of Chance Control Commission.

Upon the call of the roll the foregoing motions were carried by the following vote: Ayes -2-Nayes -0-

End of Consent Agenda

Mr. Collins read the following Ordinance:

**An Ordinance Amending And Supplementing Chapter VII Entitled "Traffic",
Section 7-14 Entitled "Parking Prohibited" Subsection 7-14.1 Entitled "Parking
Prohibited At All Times On Certain Streets, Certain Times Of Year" Of The Revised
General Ordinances Of The Borough Of Monmouth Beach**

Commissioner Cunniff moved, seconded by Mayor Howard that the public hearing be opened.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -

2 Nays-0.

The Mayor asked the audience if anyone would like to speak on this ordinance. No One Spoke.

Commissioner Cunniff moved, seconded by Mayor Howard that the public hearing be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes - 2 Nays-0.

Commissioner Cunniff moved, seconded by Mayor Howard that the ordinance be adopted on second reading and public hearing.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes - 2 Nays-0.

Mr. Collins read the following Ordinance:

**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 public hearing be opened.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes - 2 Nays-0.

Mr. Collins advised the Public that this ordinance required parking tags at the overflow lot and prohibited overnight parking of vehicles. The Mayor asked the audience if anyone would like to speak on this ordinance. Bonnie Crotty asked how the regulation would be enforced. The mayor explained how it is enforced now at the Pavilion and it will be enforced the same way. Michelle Donohue asked if the Borough was going to “line” the parking lot. The Mayor advised that the Commissioners and Police Chief felt that the existing system provides the most efficient parking. Ms. Donohue agreed. Tea Anderson asked the reason for the change. The Mayor explained that it would provide additional beach parking in compliance with beach access rules. Local parking during the beach hours would shift from the lot to the roads and vice-versa.

Commissioner Cunniff moved, seconded by Mayor Howard that the public hearing be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes - 2 Nays-0.

Commissioner Cunniff moved, seconded by Mayor Howard that the ordinance be adopted on second reading and public hearing.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes - 2 Nays-0.

Mr. Collins read the following Ordinance:

**Bond Ordinance Providing For The Acquisition Of Two Non-Passenger Utility
Vehicles For The Office Of Emergency Management, By And In The Borough Of
Monmouth Beach, In The County Of Monmouth, State Of New Jersey;
Appropriation \$61,600 Therefor And Authorizing The Issuance Of \$58,666 In
Bonds Or Notes To Finance Part Of The Cost Thereof**

Commissioner Cunniff moved, seconded by Mayor Howard that the public hearing be opened.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes - 2 Nays-0.

The Mayor asked the audience if anyone would like to speak on this ordinance. No one spoke.

Commissioner Cunniff moved, seconded by Mayor Howard that the public hearing be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes - 2 Nays-0.

Commissioner Cunniff moved, seconded by Mayor Howard that the ordinance be adopted on second reading and public hearing.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes - 2 Nays-0.

Mr. Collins read the following Ordinance by title only noting that copies were available for the public:

**Bond Ordinance Providing For Various 2016 Capital Improvements, By And In
The Borough of Monmouth Beach, In the County Of Monmouth, State Of New Jersey
(The "Borough"); Appropriating \$430,300 Therefor and Authorizing the Issuance Of
\$409,808 Bonds Or Notes Of The Borough To Finance Part Of The Costs
Thereof**

Commissioner Cunniff, seconded by Howard moved that the Ordinance be introduced by title only, published and set down for public hearing at the next regular meeting of the Borough of Monmouth Beach Commissioners on May 24, 2016.

Upon the call of the roll the foregoing motions were carried by the following vote: Ayes -2-Nays -0-.

Mr. Collins read the following Ordinance by title only noting that copies were available for the public:

**An Ordinance of The Borough Of Monmouth Beach, County Of Monmouth,
State Of New Jersey Amending Chapter XI Entitled "Beaches, Dunes,
Pavilion and Waterways" Creating A New Section 11-5 Entitled
"Use Of The Bathing Pavilion Community Room"**

Commissioner Cunniff, seconded by Howard moved that the Ordinance be introduced by title only, published and set down for public hearing at the next regular meeting of the Borough of Monmouth Beach Commissioners on May 24, 2016.

Upon the call of the roll the foregoing motions were carried by the following vote: Ayes -2-Nays -0-.

Mr. Collins read the following Ordinance by title only noting that copies were available for the public:

**An Ordinance Amending and Supplementing Chapter XX (Streets And Sidewalks)
Section 20-2 (Street Excavations) Of The Revised General Ordinances Of The
Borough Of Monmouth Beach**

Commissioner Cunniff, seconded by Howard moved that the Ordinance be introduced by title only, published and set down for public hearing at the next regular meeting of the Borough of Monmouth Beach Commissioners on May 24, 2016.

Upon the call of the roll the foregoing motions were carried by the following vote: Ayes -2-Nays -0-.

Administrator's Report:

Ms. Wilson advised on the status of the Library raising/Construction.

Borough Attorney's Report:

Mr. Collins advised the Borough had successfully defended one of the two existing State Tax Court Complaints.

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-Nayes -0-

Chief Walsh was asked to give a presentation about his investigation into various traffic safety concerns raised by parents regarding school drop-off and pick-up times. His research and findings are contained in a report to the Commissioners which will be posted online and available to the public. His report was quite lengthy and discussed various existing mechanisms in place for safety, recent modifications, as well as potential future actions. The Chief also discussed topics of a meeting he had with concerned parent(s). He discussed the possibility of setting up a review committee, consisting of various stakeholders and experts, to look further into any issue raised. Michelle Donohue spoke in support of that concept. The Mayor and Commissioner Cunniff were also supportive.

The Mayor also commented on a recent life saving event by our EMS. They were able to use a new technology successfully and save the life of a heart attack patient. They had previously made a presentation to the Commissioners. The Borough is very proud and thankful of their efforts. The mayor asked Tea Anderson for her article so it can be sent on the Borough E-Mail. Tea Anderson indicated she would supply same.

Seeing no further requests for comment, Commissioner McBride moved, seconded by Commissioner Cunniff that the public meeting be closed.

Commissioner Cunniff moved, seconded by Mayor that the meeting be adjourned at 6:32.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes - 3-Nayes-0.

Mayor Howard

Commissioner Cunniff

(absent)

Commissioner McBride

ATTEST:

Dennis A. Collins, Esq.
Borough Attorney