

Office of the Board of Commissioners
Borough of Monmouth Beach
August 26, 2014

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 included in a list of meetings transmitted to the Asbury Park Press and The Link News on February 25, 2014. 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, 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 meetings held on July 22 and August 15 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 \$329,392.95 which had been reviewed by their respective department heads 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-.

Mayor Howard said that she would open the meeting to the public at this time because she had been made aware that someone in the audience had to leave the meeting early but wanted to address an issue with the Commissioners.

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-.

Patricia Cahill, a realtor and Riverview Road resident, stated that she is opposed to allowing weekly rentals in the Borough. Ms. Cahill said there was a home on her street that was being rented weekly and the noise from that home was affecting her quality of life.

Borough Attorney Dennis Collins explained that the Borough could not regulate or prohibit the rentals but there was a Certificate of Occupancy process required for all rentals. He said Ms. Cahill could contact the Housing Office to verify that a CO had been issued for the rentals. Mr. Collins said the Borough did have a very aggressive Quality of Life Ordinance in place and he advised Ms. Cahill to call the police department to report any possible violations of those regulations.

Brian McAndrew, a Channel Club Tower resident, said that he wanted to talk to the Commissioners about Channel Drive, not about the application that was currently before the Planning Board.

Mr. McAndrew said that Morgan Realty was now allowing parking on both sides of Channel Drive. He said the Borough's Fire Marshall had said there was not enough room on that road to allow for parking on both sides.

Mr. Collins pointed out that there was a pending Planning Board application and that both Mayor Howard and Commissioner McBride were members of that board. He said Mr. McAndrew was jeopardizing their participation by discussing the matter with them.

Mr. Collins asked that the record reflect that Mr. McAndrew smiled when Mr. Collins told him that the Mayor and Commissioner McBride might not be able to participate.

Mr. Collins said there was an agreement between the Channel Club Tower Association and the owners of Channel Drive which outlined the rights that the Association had on that road. He said the Fire Marshall has no authority to tell the Governing Body to regulate a private road.

Bonnie Heard, Borough and Planning Board Engineer, noted that the Planning Board had forwarded the plan to the Fire Marshall, Kevin Hayes.

Mr. McAndrew stated that he was not trying to put the Mayor or Commissioner McBride in jeopardy. He said there was no parking allowed in the front of the building because of the Fire Marshall. Mr. McAndrew said there was a potential safety issue and people were in danger on Channel Drive and the situation would only get worse once the Beach Tavern opened.

Mr. Collins explained that during the site plan review by the Planning Board was the only time that they could regulate parking on private property.

Mr. McAndrew asked if the Borough had any responsibility to insure the public's safety on Channel Drive.

Mr. Collins said that the Channel Club Tower's Association probably had more power and more say over the issue than the Commissioners. He said the Association had an attorney who they should contact regarding the matter.

Mayor Howard said the Commissioners could do nothing that would look like they were taking action on an issue that was before the board. She said they were not going to jeopardize the Planning Board's actions or authority.

Christine Mormon, Channel Club Tower, said she thought the town had some responsibility on safety issues.

Mr. Collins again explained that Channel Drive was privately owned and this was an issue of cars parking on private property.

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

RESOLUTION

Resolution Authorizing the Mayor to Execute a Contract with Realty Data Systems, LLC. to Implement the Assessment Demonstration Program and Proform 20% Reassessment Inspections for Five Years (2015 thru 2019)

WHEREAS, The Monmouth County Board of Taxation, pursuant to NJSA 54:4-2.27 adopted the percentage level of taxable value of real property for the County of Monmouth at 100 percent of the true value; and

WHEREAS, on June 19, 2013 the Monmouth County Board of Taxation ordered the Borough of Monmouth Beach to implement The Assessment Demonstration Program and to perform annual reassessments of all properties and 20% annual inspections for the next five years (2015 thru 2019); and

WHEREAS, Realty Data Systems, LLC, a new firm founded by Realty Appraisal Company, located at 55 White Road, Suite C Shrewsbury NJ 07702 is qualified to serve the Borough in this matter.

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

1. The firm Realty Data Systems, LLC is hereby retained to perform the reassessment inspections in accordance with the Proposal Covering Real Property Data Collection and Verification Services from January 1, 2015 to December 31, 2019 for a contract amount of \$21 per reassessment inspection, \$26 per residential added inspection and \$100 per commercial added inspection.
2. The mayor is hereby authorized and directed to execute the Proposal submitted by Realty Data Systems, LLC.
3. This contract is awarded without competitive bidding as a “professional service contract” in accordance with NJSA 40:11-1 et seq of the Local Public Contracts Law.
4. Pursuant to N.J.S.A. 40A:11-5(1) this resolution and contract itself shall be available for public inspection at the Borough Clerk’s office during regular business hours.
5. A notice of this action shall be printed once in the official newspaper of the Borough of Monmouth Beach.

RESOLUTION OF THE BOROUGH OF MONMOUTH
BEACH DIRECTING THE UNDERTAKING OF A
CONTINUING DISCLOSURE REVIEW AND AUTHORIZING
PARTICIPATION IN THE MUNICIPALITIES CONTINUING
DISCLOSURE COOPERATION INITIATIVE OF THE
DIVISION OF ENFORCEMENT OF THE U.S. SECURITIES
AND EXCHANGE COMMISSION

WHEREAS, the Borough of Monmouth Beach (the “Governmental Entity”) has entered into continuing disclosure agreement(s) in connection with certain of its prior bond and/or note issuance(s) (the “Prior Issuances”), agreeing to file certain financial information and operating data and/or certain enumerated event notices with the former nationally recognized municipal securities information repositories or the Municipal Securities Rulemaking Board (the “MSRB”) pursuant to the provisions of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the “Rule”); and

WHEREAS, the Governmental Entity has made certain representations regarding its continuing disclosures in bond and note offering documents in connection with its Prior Issuances; and

WHEREAS, in response to widespread concerns that many municipal issuers have not been complying with their obligations to file continuing disclosure documents under the Rule, and furthermore have made false representations concerning compliance in bond and note offering documents, the Division of Enforcement (the “Division”) of the U.S. Securities and Exchange Commission (the “Commission”) has set forth its Municipalities Continuing Disclosure Cooperation Initiative (the “MCDCC Initiative”, attached hereto as Exhibit A, whereby the Commission will recommend favorable settlement terms to municipal issuers involved in the offer or sale of municipal securities, as well as underwriters of such offerings, if they self-report to the Division possible violations involving materially inaccurate statements in bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule; and

WHEREAS, pursuant the Local Finance Notice 2014-9, attached hereto as Exhibit B, the Director of the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs, has recommended the undertaking of a Review (as hereinafter defined) by all municipal issuers and participation in the MCDCC Initiative, where appropriate, as determined by the facts of each Review (the “LFB Recommendation”);

NOW, THEREFORE, IN CONNECTION WITH THE LFB RECOMMENDATION, BE IT RESOLVED BY THE GOVERNMENTAL ENTITY, as follows:

Section 1. The Governmental Entity, through its Administrator, Chief Financial Officer or Treasurer, as applicable (the “Governmental Entity Officer”), or through the engagement of a third-party disclosure-dissemination agent, is hereby directed to conduct a continuing disclosure review of its prior continuing disclosure undertakings (the “Review”), and the Governmental Entity hereby ratifies any such previously conducted Review. Such Review shall include, but is not limited to, a historical review of the Governmental Entity’s continuing disclosure obligations and filings in connection with its Prior Issuances that are presently outstanding and which are no longer outstanding but, as of the date five years prior to the date of submission of the Questionnaire (as

hereinafter defined) were outstanding; and the undertaking, at any time, of any applicable remedial filings with the MSRB deemed necessary for compliance with its continuing disclosure obligations. The Governmental Entity Officer is hereby authorized and directed, if necessary, to appoint and engage a third-party disclosure-dissemination agent and any fees and costs associated with such third-party disclosure-dissemination agent are hereby approved or ratified and confirmed.

Section 2. The Governmental Entity, through its Governmental Entity Officer is hereby authorized to participate in the MCDC Initiative, if in the discretion of the Governmental Entity Officer after consultation with Governmental Entity officials, it is determined that the Governmental Entity may have made materially inaccurate statements in its bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule in connection with its Prior Issuances issued during the period beginning five years prior to the date of submission of the Questionnaire.

Section 3. The Governmental Entity Officer of the Governmental Entity is hereby authorized to execute and deliver any and all documents and instruments, including the Municipalities Continuing Disclosure Cooperation Initiative Questionnaire for Self-Reporting Entities contained in the MCDC Initiative (the "Questionnaire"), and to do and cause to be done any and all acts and things necessary or proper for participating in the MCDC Initiative and all related transactions, including the Review, 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 take effect immediately or in accordance with applicable law.

RESOLUTION
BOROUGH OF MONMOUTH BEACH, MONMOUTH COUNTY, NEW JERSEY
RESOLUTION TO AUTHORIZE THE BOROUGH'S APPLICATION
FOR A POST-SANDY PLANNING ASSISTANCE GRANT FROM
THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the Governing Body of the Borough of Monmouth Beach, Monmouth County desires to apply for and obtain a Post-Sandy Planning Assistance grant from the New Jersey Department of Community Affairs (DCA); and

WHEREAS, Borough of Monmouth Beach, Monmouth County has attended an orientation session held by DCA explaining the grant application process; and

WHEREAS, Borough of Monmouth Beach, Monmouth County intends to apply for Post-Sandy Planning Assistance grant money for the following planning activities and in the following amounts:

- 1) Reexamining the Borough's Master Plan Elements
\$50,000
- 2) Adopting a Floodplain Management Plan as an element of the Master Plan
\$50,000
- 3) Revising and updating the Borough's Emergency Operating Plan
\$50,000
- 4) Revising and updating the Borough's Hazard Mitigation Plan
\$24,000
- 5) Automating and updating the zoning and construction permit process
\$25,000
- 6) Preparing a Capital Improvement Plan identifying needed capital improvements to improve local resiliency
\$30,000

- 7) Preparing a Borough Debris Management Plan
\$20,000
- 8) Developing a GIS database to support future planning efforts.
\$50,000

NOW THEREFORE BE IT RESOLVED that the Governing Body of Borough of Monmouth Beach, Monmouth County does hereby authorize the application for the above grant(s); and

BE IT FURTHER RESOLVED that Borough of Monmouth Beach, Monmouth County has sustained a ratable loss attributable to Super Storm Sandy of at least 1 percent or \$1 million dollars, as indicated by the attached documentation from the tax assessor; and

BE IT FURTHER RESOLVED that Borough of Monmouth Beach, Monmouth County recognizes and accepts that DCA may offer a lesser or greater amount of grant funding than that requested; and

BE IT FURTHER RESOLVED that Borough of Monmouth Beach, Monmouth County authorizes the execution of the grant agreement in the amount offered and approved by DCA and further authorizes the expenditure of funds pursuant to the terms of the grant agreement entered into by Borough of Monmouth Beach, Monmouth County and DCA;and

BE IT FURTHER RESOLVED that Borough of Monmouth Beach, Monmouth County agrees to comply with all CDBG-DR regulations, Post Sandy Planning Assistance Guidelines and also accepts that the proposed use(s) of CDBG-DR funds are not reimbursable by FEMA, SBA or other federal agencies; and

BE IT FURTHER RESOLVED the persons whose names appear below (or any successor or assign) are authorized to sign the grant agreement or any other document in connection therewith.

Susan Howard

Gerald Chismar

Resolution

Accepting and Approving The Submission Of The Monmouth Beach Borough Strategic Recovery Planning Report

WHEREAS, on April 28, 2014, the Mayor and Commissioners of the Borough of Monmouth Beach entered into a Subrecipient Agreement with the State of New Jersey, Department of Community Affairs implementing grants under the Community Development Block Grant Disaster Recovery Program through the Post-Sandy Planning Assistance Grant Program; and,

WHEREAS the purpose of the grant is to prepare a Strategic Recovery Planning Report for the Borough of Monmouth Beach to address conditions created or exacerbated by Superstorm Sandy, identify approaches to rebuilding that will be more resistant to damage from future storms and encourage sustainable economic growth; and,

WHEREAS, the Monmouth Beach Mayor and Commissioners authorized T&M Associates, planning consultant, for the preparation of the Strategic Recovery Planning Report for the Borough; and,

WHEREAS, T&M Associates has prepared the Monmouth Beach Borough Strategic Recovery Planning Report, dated July 2014; and, the report sets forth a description of the storm impacts of Superstorm Sandy on the Borough, and an evaluation of the planning goals, strategies and priorities for actions that are necessary for public safety and economic recovery; and,

WHEREAS, the Monmouth Beach Mayor and Commissioners have reviewed the Monmouth Beach Borough Strategic Recovery Planning Report with the planning consultant and the Borough Administrator.

NOW, THEREFORE BE IT RESOLVED by the Monmouth Beach Mayor and Commissioners that it does hereby approve the Monmouth Beach Borough Strategic Recovery Planning Report attached hereto as Exhibit A and authorizes T&M Associates to submit said report to the New Jersey Department of Community Affairs consistent with the terms and conditions of the grant agreement.

RESOLUTION

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that the Borough Clerk be authorized to advertise for bids for the purchase of a One (1) New and Unused 2015 or Newer Rear Loader Chassis and Cab and 32 Yard Packer Body or Equivalent.

RESOLUTION

WHEREAS, One (1) bid was received by the Municipal Clerk of the Borough of Monmouth Beach on August 26, 2014 at 1:00 pm for the following work, labor, and/or materials:

PROVIDING ELECTRIC ENERGY SERVICES FROM A THIRD PARTY ELECTRICAL SUPPLIER

WHEREAS, the Governing Body has reviewed the recommendation made by the Borough Engineer on said bid; and

WHEREAS, the Borough Attorney has determined that the bid and agreement submitted by the apparent low bidder are acceptable as to legal form;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach, County of Monmouth, State of New Jersey that the contract for Providing Electric Energy Services From A Third Party Electrical Supplier be awarded to Nextera Energy Services, 20455 State Highway 249, Suite 200, Houston, TX 77070, for a 12 month period, Option A (including street lights) at a rate of \$0.08696 per kWh, subject to approval of the bid documents and contract by the borough attorney; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be authorized and directed to execute the contract for same.

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:

ORDINANCE PROVIDING FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY AND AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$155,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF MONMOUTH BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY

The Clerk stated that copies of the Ordinance were available to the public.

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-.

There being no comments or questions on the Ordinance,

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-.

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

AN ORDINANCE TO FIX THE SALARIES AND TERMS OF OFFICE IN SUCH CASES WHERE THE TERMS OF OFFICE ARE NOT FIXED BY STATUTE OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF MONMOUTH BEACH AND TO DEFINE THEIR DUTIES IN ADDITION TO THOSE FIXED BY STATUTE OR OTHER ORDINANCE, ADOPTED THE 27TH DAY OF MARCH, 1951, AS SUBSEQUENTLY AMENDED.

The Clerk stated that copies of the Ordinance were available to the public.

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-.

There being no comments or questions on the Ordinance,

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-.

Administrator's Report:	Mr. Chismar had nothing to report
Borough Attorney's Report:	Mr. Collins had nothing to report

Mayor Howard reported that the Borough was only one permit away from getting the sand from the dredging project.

Mayor Howard outlined the Borough's plan to refortify the beach. She said no dune grass would be planted in the area where the piping plovers liked to nest but on other sections of the beach, goldenrod and additional rosa rigosa would be planted. There would also be biologically sensitive dunes constructed in the area from Park Rd. to Cottage Rd.

There being nothing further,

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-.

Mayor Howard

Commissioner McBride

ATTEST:

Joyce L. Escalante, RMC
Borough Clerk
August 26, 2014