

Office of the Board of Commissioners
Borough of Monmouth Beach
September 13, 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 the change in date of this regular meeting, from September 27 to September 13, was published in the Asbury Park Press on September 1, 2016, and transmitted to the Link News on that date. In addition, a copy of the notice was posted on the bulletin board in the Municipal Building where it has remained continuously posted as the required notice under the statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

The Mayor requested that all persons rise. The Pledge of Allegiance was recited

Mayor Howard called the meeting to order at 6:00 pm. The Meeting Site took place at the Monmouth Beach Cultural Center.

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

Commissioner Cunniff moved, seconded by Commissioner McBride that the minutes of the previous meetings held on July 26, August 2, and August 23, 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 - 3-Nays -0-

Commissioner Cunniff moved, seconded by Commissioner McBride that bills totaling \$107,430.43, which had 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 - 3-Nays -0-

Mayor Howard announced that the public hearing on the Borough's Floodplain Management Plan would be held at this time She noted that the Floodplain Management Committee had met five times during the summer in order to develop the plan and that this was the opportunity to present the plan to the public and to invite public input. Mayor Howard said that Christine Bell, of T&M Associates, would present the plan and that she, along with Bonnie Heard, would be able to answer any questions regarding the plan.

Commissioner Cunniff moved, seconded by Commissioner McBride that the Public Hearing on the Floodplain Management Plan be opened to the public.

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

Dennis Collins said that this was part of a program that the Borough of Monmouth Beach was doing in order to help its residents. He noted that the Flood Management Plan was not a product of the Commissioners but rather was developed by the Floodplain Management Committee. He said that the purpose of this hearing was to gain public input and comment on the contents on the Plan. Mr. Collins said that the Committee would be responsible for finalizing the Plan and he noted the presence of several of the Committee members this evening.

Christine Bell stated that she was a New Jersey Certified Planner and a Certified Floodplain Manager for T&M Associates. She distributed a handout to the Commissioners and the public which outlined the Borough's Floodplain Management Plan. Ms. Bell gave a slideshow presentation and went over the Plan in detail.

Margaret Matthews, Anderson St., said that on some maps Anderson St. was in a flood zone and on others, it was not. She also noted that as areas in town were raised, such as Riverdale Ave., the water just flowed to other areas. Ms. Matthews said she felt that as lots were developed there would be more flooding and she asked if the Borough could acquire any of the vacant lots.

Mayor Howard said that part of the Plan involved identifying vacant lots in the Borough and performing an assessment. She said that although the Borough owned several oddly shaped parcels of land, the Commissioners' policy was not to sell Borough owned land.

Michael Verdi, Meadow Ave., asked Mr. Collins about the status of the New York City appeal regarding FEMA's preliminary maps.

Mr. Collins noted that the Borough still used the ABFE maps.

Mayor Howard said she was anxious for the preliminary maps to be approved because there are some areas in town that are in a "V" Zones that should not be there.

Michael Short, River Ave., asked if anything was being done about the amount of soil that was allowed to be brought on to construction sites and, if so, what could be done if someone brought in too much soil.

Bonnie Heard, Zoning Officer, noted that the Borough had a fill Ordinance in place and if too much was brought in, it would have to be removed.

Mr. Short said that every new home appeared to be built on a hill. He said the water run off was causing problems for the neighbors.

Mr. Collins said there had to be a balance between reducing property damage and causing a negative impact to neighbors.

Betsy Kelly, Riverdale Ave., asked if all the high priority items in the Plan would be done, and when.

Ms. Bell said that most of the high priority items have funding in place and would be done. She said that on some of the other projects the Borough would have to investigate and provide funding.

Joe Clark, Johnson St., thanked the Committee members for their work on the Plan but he noted that the dissemination of the information to the public could have been better.

Ms. Bell noted that the plan had been put up on the Borough's website a week ago and that the GIS system would be developed and would be available to the public through the Borough's GovOnline program.

Bill Martens, River Ave., reported that a check valve on River Ave. has never worked. He said it would be helpful to have it operational during high tide.

Dan Thorman, Riverdale Ave., asked if the impervious coverage regulations could only be changed by the Borough.

Mayor Howard said that in 2005 the Commissioners changed the impervious coverage from 60% to 40% and the building coverage was changed from 40% to 27%.

Ms. Bell noted that the lot coverage regulations would be reviewed by the Borough in the upcoming year.

Commissioner McBride said that when the lot coverage regulations were changed back in 2005 there was a huge backlash from the community. He said it was not easy to please everyone on that issue.

Sal Giacchi, Ocean Ave., suggested that the town look into installing a flood gate at the mouth of the Shrewsbury River.

Mayor Howard said the town, in conjunction with the New Jersey Conference of Mayors, was involved in requesting that.

Frank Walczak, River Ave., said it would be helpful to have a timeline posted once the Plan was adopted.

Ms. Bell said that the Borough would like to have it done in a year, as funding becomes available. She said the Plan would be evaluated each year with the action items being reviewed by the Floodplain Management Committee.

Mr. Walczak asked if the public would be informed when items on the Plan were completed.

Mayor Howard said that emails would go out to inform the public.

Valerie Brett, Seaview Avenue, asked about the recently adopted Tree Protection Ordinance.

Mr. Collins said that the Ordinance had been patterned after Rumson's Tree Ordinance. He said the goal was to try and balance land development with tree preservation and he gave a brief overview of the Ordinance.

Ms. Brett asked if there was a tree replacement provision in the Ordinance.

Bonnie Heard noted that there was no replacement provision.

Ms. Brett commented that trees help to absorb water throughout town.

Mr. Collins said that judgement calls sometimes had to be made. He noted that larger homes were being built and that trees were sometimes removed. Mr. Collins said that even though some people believe that flooding is made worse by removing trees, he said there was a bigger picture to that issue. He said that many other things also impact flooding, such as impervious coverage issues.

Mayor Howard said that the homes that were being built were in compliance with Borough codes. She stated that the Planning Board would not grant relief from impervious or building coverage.

Mr. Collins noted that the Planning Board considers variance requests and makes informed decisions.

Ms. Brett asked who she should call if a storm drain was not draining properly.

Joe Chirichello, Public Works Manager, advised her to call him at Borough Hall and he would look into it.

A Riverview Road resident asked if dredging was a priority.

Christine Bell said that dredging was a high priority but she explained that the Borough was not in charge of the channels. She said the town could encourage, and push for it, but that it was up to the State.

Mayor Howard said she has been asking the State to dredge for years but that so far only the Federal channels had been dredged.

Ms. Bell also pointed out that the dredging of the State channels was also pushed for by the Committee, but it was ultimately up to the State.

Scott Sergeant, 22 River Ave., noted that he was on the Floodplain Management Committee and he appreciated the support of the community. He said the Plan was not final yet and that ideas could still be submitted. He said that there was an action plan, complete with a timeline, that addressed some of the concerns that were raised tonight.

Mr. Sergeant said that the last time that the impervious coverage regulations were examined was eleven years ago, back in 2005. He said that it was a post-Sandy world now and that if anything was missing in the Plan, now was the time to address it.

Mr. Collins said that the work the Committee did as a whole will be respected by the Commissioners, who rely upon the Committee.

Mayor Howard said that the Borough could not do the Infrastructure Analysis and the Impervious Coverage Study until after January because the funding was not available at present. She said it would not be cheap and the projects may have to go out for bids.

Valerie Brett said that this present administration had not sold any Borough owned land; she asked if another administration could sell Borough owned land and if there were a way to protect the land.

Mayor Howard said that the town of Wayne, NJ had purchased 42 homes after Sandy with Blue Acres funding and had fixed their flooding problem and that Sea Bright had taken a hotel and would be making that land into a park. She said that Monmouth Beach did not have the contiguous land needed to take advantage of Blue or Green Acres funding.

Margaret Matthews thanked Mayor Howard for the Seawall.

Mayor Howard noted that the bids for the Seawall had gone out.

Tom London, Johnson St., asked if anything would be done with regards to the nuisance flooding on the streets.

Joe Chirichello said that they were looking into a new valve, manufactured by Duck Bill, which was supposed to limit water coming in as well as the water going out. He said it could be good, or it could be bad. Mr. Chirichello said that two or three valves would be tested soon.

There being no further questions or comments on the Floodplain Management Plan,

Commissioner Cunniff moved, seconded by Commissioner McBride that the hearing on the Floodplain Management Plan be closed.

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

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

RESOLUTION

WHEREAS, two (2) bids were received by the Borough Clerk of the Borough of Monmouth Beach on July 26, 2016 for the purchase of the following:

ONE (1) NEW AND UNUSED 2017 MODEL 4X2 SIX (6) YARD DUMP TRUCK

**ONE (1) NEW HEAVY DUTY MODEL SSM4 CROSS MEMBERLESS DUMP BODY
304 2B FINISHED STAINLESS STEEL CONSTRUCTION**

WHEREAS, funds are available for the purchase as evidenced by the attached Certification of Availability of Funds received from the Chief Financial Officer; and

WHEREAS, the Borough Attorney has reviewed said bids;

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 the purchase of the above vehicle/equipment be awarded to Mid Atlantic Truck Centre, Inc., 525 Linden Avenue West, Linden, NJ 07036, 908-862-8181, in the amount of One Hundred Sixty Eight Thousand One Hundred Fifty Eight Dollars (\$168,158.00); and

BE IT RESOLVED that based upon the review and recommendation of the Borough Attorney, the bid submitted by Schwartz in the amount of \$157,630.00 be and is hereby rejected as non-compliant; and

BE IT FINALLY RESOLVED that the Mayor and Borough Clerk be authorized and directed to execute the contract for the purchase of same.

**RESOLUTION
BOROUGH OF MONMOUTH BEACH**

WHEREAS, Cross River Fiber LLC (“Cross River Fiber”), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Borough of Monmouth Beach for the purpose of owning, constructing, installing operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State and;

WHEREAS, N.J.S.A. 54:30a-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interests of the Borough of Monmouth Beach and its citizens to grant consent to Cross River Fiber; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Monmouth Beach, that the Mayor and Commissioners of the Borough of Monmouth Beach hereby authorized to execute a non-exclusive use of the Public Rights-of-Ways for the purposes of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution.

RESOLUTION

WHEREAS, in an attempt to prevent criminal mischief during the Halloween season, the Chief of Police has requested a temporary curfew be put into effect; and

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that a temporary curfew be in effect from Monday, October 24, 2016 up to and including Monday, October 31, 2016 between the hours of 8:00 pm and 6:00 am; and

BE IT FURTHER RESOLVED that said curfew shall apply to anyone under 18 years of age unless accompanied by an adult, or unless on their way to or from work, from being out in public; and

BE IT FINALLY RESOLVED that Trick or Treat will take place on October 31, from 1:00 pm to 6:00 pm.

End of Consent Agenda

The Clerk read the following Ordinance by title only:

An Ordinance Amending And Supplementing Chapter II Entitled "Administration" Section 2-3 Entitled "Municipal Clerk," Subsection 2-3.2 Entitled "Powers And Duties" Of The Revised General Ordinances Of The Borough Of Monmouth Beach

Commissioner Cunniff, moved, seconded by Commissioner McBride, 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 October 25, 2016.

Upon the call of the roll the foregoing motions were carried by the following vote: Ayes -3- Nays -0-.

The Clerk read the following Ordinance noting that copies were available for the public:

Bond Ordinance Providing For The Acquisition Of Communications Equipment And Accessories For Use By The Fire Department, By And In The Borough Of Monmouth Beach, In The County Of Monmouth, State Of New Jersey; Appropriating \$30,000 Therefor And Authorizing The Issuance Of \$28,571 In Bonds Or Notes To Finance All Or Part Of The Cost Thereof

Commissioner Cunniff moved, seconded by Commissioner McBride that the public hearing on the Ordinance be opened to the public.

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

There being no public comment or questions on the Ordinance,

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

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

Commissioner Cunniff moved, seconded by Commissioner McBride that the Ordinance be passed and adopted on second reading and public hearing.

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

Administrator's report: Ms. Wilson had no report.

Borough Attorney's Report: Mr. Collins had no report.

Commissioner Cunniff moved, seconded by Commissioner McBride that the meeting be opened to the public.

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

There being no comments or questions from the audience,

Commissioner Cunniff moved, seconded by Commissioner McBride, that the public meeting be closed.

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

Mayor Howard

Commissioner Cunniff

Commissioner McBride

ATTEST:

Joyce L. Escalante, RMC
Borough Clerk
September 13, 2016