

MAY 4, 2015

Regular Meeting of Mayor and Council was convened at 8:08 p.m. on May 4, 2015 in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey read the statement re: Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press on December 18, 2014 and January 5, 2015.

Mayor Dempsey welcomed the audience and invited them to join in a moment of silent prayer and a salute to the Flag.

**ROLL CALL:** Present: Council Members Lee, Sinneck, Donovan, Mangan, and McCarthy.

Absent: Council Member Olivera

Also present was Borough Attorney Mark Kitrick and Borough Administrator/CFO Joseph DeIorio

## **PROCLAMATION**

### **Recognizing Municipal Clerk's Week**

**WHEREAS**, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

**WHEREAS**, the Office of the Municipal Clerk is the oldest among public servants, and

**WHEREAS**, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

**WHEREAS**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartially, rendering equal service to all.

**WHEREAS**, The Municipal Clerk serves as the information center on functions of local government and community.

**WHEREAS**, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

**WHEREAS**, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

**NOW, THEREFORE, BE IT RESOLVED**, that I, George R. Dempsey, Jr., Mayor of the Borough of Manasquan, on behalf of the Borough Council and the good people of Manasquan, officially recognize the week of May 3 through May 9, 2015, as Municipal Clerk Week, and further extend appreciation to Office of the Borough Clerk.

## **CONSENT AGENDA**

### **RESOLUTION 118-2015**

**BE IT RESOLVED** by the Council of the Borough of Manasquan that:

**WHEREAS**, refunds for 2014 Tax Appeals for the following properties are due on the below described property in the amount designated as follows:

**BLOCK: 186.02 / LOT: 15      NAME: Kathleen Topley**

**PROPERTY LOCATION: 560 Riverside Dr.**

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**AMOUNT: \$114.37**

**REASON FOR REFUND: 2014 Tax Appeal**

**REFUND CHECK TO BE MADE PAYABLE TO:**

**Kathleen Topley  
3 Woolsey Ct #3  
Pennington, NJ 08534-1425**

**WHEREAS**, the Tax Collector has certified that the current homeowner is entitled to the refund.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION  
119-2015**

**WHEREAS**, the Borough of Manasquan is desirous of appointing Seasonal Laborers for the Department of Public Works; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 5<sup>th</sup> day of May, 2015 appoint the following Department of Public Works employees to Seasonal Laborers including Mad Vac Operators:

- Ryan McCrone, 78 Curtis Avenue., at the hourly rate of \$10.00
- Frank Servidio, 100 Ocean Avenue at the hourly rate of \$10.50
- Ryan Shinn, 60 Central Avenue at the hourly rate of \$10.50
- Tanner Muir, 10 Allen Avenue at an hourly rate of \$8.00

**RESOLUTION  
120-2015**

**BE IT RESOLVED** that the Hon. George Dempsey, Jr., Mayor of the Borough of Manasquan, be and is hereby authorized to sign the following 2015 Agreement:

Web Page Development Agreement

City Connections, LLC  
5 Ebbtide Court  
Barnegat, NJ 08005

**RESOLUTION  
121-2015**

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF MANASQUAN,  
COUNTY OF MONMOUTH, CREATING A MOUNT LAUREL SUBCOMMITTEE  
TO ASSIST THE BOROUGH IN ADDRESSING AFFORDABLE HOUSING ISSUES**

**WHEREAS**, on December 30, 2014, the Borough Council adopted a resolution in which the Borough reaffirmed its voluntary commitment to satisfy its affordable housing obligations, however they may ultimately be defined by COAH or a court; and

**WHEREAS**, in order to facilitate the Borough's efforts to comply voluntarily with its Mount Laurel obligations and to enable the Borough to make informed decisions, the Borough Council finds it prudent to create a Mount Laurel Subcommittee which will meet, as needed, and will provide informed recommendations to the Borough Council and Planning Board.

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**NOW, THEREFORE BE IT RESOLVED** as follows:

1. The Borough hereby creates a “Mount Laurel Subcommittee” to work with the Borough’s professionals to facilitate the production of affordable housing and to address the ever changing laws that determine what the Borough’s responsibilities are and how the Borough may address them.
2. In particular, the Mount Laurel subcommittee shall assist the professionals in (a) investigating the facts and all the issues relevant to the Borough’s affordable housing obligations; (b) reviewing and discussing all draft ordinances, resolutions, and other relevant documents associated with the Borough’s affordable housing compliance plan and all related planning documents; (c) discussing any issues relevant to the Borough’s efforts to address future obligations as defined by the courts, the legislature, and/or various state agencies and (e) making recommendations to the Borough Council.
3. The initial chairman of the Mount Laurel Subcommittee shall be Borough Administrator, Joseph DeLorio.
4. The Borough hereby designates the following persons to the Mount Laurel Subcommittee: (i) Borough Administrator, Joseph DeLorio; (ii) Special Mount Laurel Counsel, Jeffrey R. Surenian, Esq./ Erik C. Nolan, Esq.; (iii) Affordable Housing Planner; Jennifer Beahm, P.P./A.I.C.P; (iv) Borough Councilman Michael Mangan and (v) Councilman Owen McCarthy.
5. The Borough hereby designates Borough Attorney Mark G. Kitrick, Esq. and Planning Board Attorney Geoffrey S. Cramer, Esq., as advisors to the committee on a “as needed” basis.
6. The Mount Laurel Subcommittee shall meet periodically to discuss the current status of the law and to take such steps as may assist the Borough in meeting its objective of creating affordable housing.

**RESOLUTION  
122 - 2015**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,  
AUTHORIZING THE PAYMENT OF \$5,900 FOR SETTLEMENT IN THE  
MATTER CAPTIONED, RICHARD RIVERA V. BOROUGH OF  
MANASQUAN, ET AL.**

**WHEREAS**, one Richard Rivera instituted litigation against the Borough of Manasquan in the Superior Court of New Jersey, Law Division, in the matter captioned Richard Rivera v. Borough of Manasquan, et al., Docket No. MON-L-421-15; and

**WHEREAS**, in order to amicably resolve this matter, the complainant has agreed to accept from the Borough of Manasquan a lump sum payment of \$5,900 for the release of any and all claims and rights the complainant may have against the Borough of Manasquan and its officials and employees with respect to the above captioned matter; and

**WHEREAS**, the complainant has been provided a proposed Release (“the Release”) which details the amount of the settlement and acknowledges a release of any and all claims and rights the complainant may have against the Borough of Manasquan and its official and employees;

**WHEREAS**, the settlement shall be conditioned upon the execution of the Release which shall be incorporated herein; and

**WHEREAS**, the Chief Finance Officer has certified that there are funds available for this purpose;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough is hereby authorized to resolve the matter Richard

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Rivera v. Borough of Manasquan, Docket No. MON-L-421-15, filed by complainant, Richard Rivera, against the Borough of Manasquan for the sum of \$5,900; and

**BE IT FURTHER RESOLVED** that settlement of this matter shall be conditioned upon the execution of the Release which the Borough finds acceptable; and

**BE IT FURTHER RESOLVED** that executed copies of this Resolution shall be on file and shall be available for the public inspection in the office of the Borough Clerk upon final execution of same.

This Resolution shall take effect immediately upon adoption according to law.

**RESOLUTION  
123-2015**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Manasquan, in the County of Monmouth, that the resignation of Edgar A. Hyer from the position of Citizen Representative of the Manasquan Board of Appeals and as a Member of the Manasquan Shade Tree Commission effective May 15, 2015 be and is hereby accepted.

**RESOLUTION  
124-2015**

**WHEREAS**, municipalities in the State of New Jersey are facing issues concerning recent Council on Affordable Housing and related Mount Laurel issues; and

**WHEREAS**, it is to the borough's legal and financial benefit to join with other municipalities with similar legal concerns; and

**WHEREAS**, there have been recent court cases involving communities such as Eatontown, that would benefit the Borough's interest to be a participant, and

**NOW THEREFORE BE IT RESOLVED** that the Borough of Manasquan authorizes Borough of Manasquan Affordable Housing Attorney, Jeff Surenian to represent the Borough of Manasquan in these manners an apportion legal costs amount the participating municipalities.

**RESOLUTION  
125-2015**

**WHEREAS**, the Recreational Trails Program, provides federal monies to states for the purpose of developing trails and related facilities; and

**WHEREAS**, said funds are administered under the New Jersey Recreational Trails Program, administrated by Department of Environmental Protection's Green Acres Program and made available through a partnership with the U.S. Department of Transportation's Federal Highway Administration; and

**WHEREAS**, the Borough of Manasquan is desirous of improving a bike path in the area known as Edgar Felix Bike Path.

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Manasquan,

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Monmouth County, New Jersey that Administrator Joseph DeIorio is hereby authorized to submit to the 2015 Recreation Trail Program Grant Application for the trail project.

**RESOLUTION  
127-2015**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH  
OF MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,  
APPOINTING SCOTT LOFTUS AS SEASONAL PART TIME CODE  
ENFORCEMENT OFFICER IN THE MANASQUAN  
CODE/CONSTRUCTION DEPARTMENT**

**WHEREAS**, due to a vacancy, the Borough of Manasquan (“Manasquan”) Code/Construction Department is in need of a seasonal part-time Code Enforcement Officer; and

**WHEREAS**, Supervising Code Enforcement Officer Frank DiRoma has reviewed the candidates for the position of part-time seasonal part-time Code Enforcement Officer; and

**WHEREAS**, the Supervising Code Enforcement Officer has recommended that the Borough of Manasquan appoint Scott Loftus as seasonal part-time Code Enforcement Officer.

**NOW, THEREFORE BE IT RESOLVED** on the 4<sup>th</sup> day of May, 2015, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey as follows:

1. Mr. Scott Loftus is appointed to seasonal part-time Code Enforcement Officer.
2. The salary for this position is \$15.00 per hour.
3. The effective date of this appointment is May 11, 2015
4. A certified copy of this resolution shall be sent to:

Mr. Scott Loftus  
34 Newark Avenue  
Manasquan, NJ 08736

**RESOLUTION  
128-2015**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan retains the services of Maser Consulting, 331 Newman Springs Roads Suite 203, Red Bank, New Jersey 07701, for purposes of the preparation of the Preliminary Assessment and Site Inspection (PASI) for the Mallard Park Improvement Project required by the Monmouth County Open Space Grant program for a total amount not to exceed \$10,000.00.

**RESOLUTION  
126-2015**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE** County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Administration & Finance

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Committee and as set forth in this Resolution are hereby approved for payment.

2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

The computer print-out of the list of checks will be on file in the Clerk's Office.

Current Fund	2,260,131.85 (Includes 1,534,816.61 County Taxes)
Water/Sewer Fund	138,901.99
Beach Fund	85,578.83
Recreation Bldg Trust	192.09
Recreation Commission Trust	1,101.88
General Capital Fund	21,567.45
Water/Sewer Capital Fund	3,872.25
Beach Capital Fund	

Council Member Donovan made a motion to approve the Consent Agenda, seconded by Council Member Lee. Motion carried by the following vote: "yes" Council Member Lee, Sinneck, Donovan, Mangan, and McCarthy. "No" none.

## ORDINANCES

The Borough attorney read the title of ordinance 2180-15 for second reading and final hearing.

### **AN ORDINANCE ESTABLISHING CHAPTER, 16, FEES, FOR THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY**

Council Member Sinneck made a motion to open the hearing to the public, seconded by Council Member McCarthy. Motion carried unanimously.

There being no public comment, Council Member Sinneck made a motion to close the public portion, seconded by Council Member Mangan. Motion carried unanimously.

Council Member Mangan made a motion to pass and publish ordinance 2180-15 according to law, seconded by Council Member Lee. Motion carried by the following vote: "yes" Council Member Lee, Sinneck, Donovan, Mangan, and McCarthy. "No" none.

The Borough attorney read the title of ordinance 2181-15 for introduction.

### **AN ORDINANCE AMENDING CERTAIN FINES AND PENALTIES IN THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANASQUAN, MONMOUTH COUNTY, NEW JERSEY**

Council Member Donovan made a motion to introduce ordinance 2181-15, seconded by Council Member Sinneck. Motion carried by the following vote: "yes" Council Member Lee, Sinneck, Donovan, Mangan, and McCarthy. "No" none.

## APPROVAL OF MINUTES

Budget Meeting Minutes – January 31, 2015

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Council Member McCarthy made a motion to approve the minutes, seconded by Council Member Mangan. Motion carried unanimously.

## **COMMITTEE REPORTS**

Public Safety Committee – Council Member McCarthy reported on the PBA fishing contest at Mac’s Pond and thanked Officer Pharo for putting the event together as well as the other members of the PBA that attended and thanked everyone involved for putting this together. He reported that 9 summonses have been issued for overweight vehicles that have gone over the Brielle Road Bridge and the height and weight restrictions will continue to be enforced. He also reported that the county is looking to install a camera at the bridge. He reported that all the officers have qualified with handguns at the range, Special Class 1 and Class II officers are approaching the conclusion of their academy time and the Borough should have a full deployment in terms of Special Officers for Memorial Day weekend. He went over the concerns of a possible food truck in town.

Administration & Finance Committee – Council Member Mangan reported on the Tourism Summer Kickoff Cocktail Party and that he has tickets if anyone is interested. He went over the resolution that was on the agenda for COAH committee and what this would entail. He advised that there is a committee meeting scheduled pending the draft of the budget. He recognized the Clerk’s office for a great job and stated that they go above and beyond their duties.

Public Works & Grounds Committee – Council Member Donovan reported that water meters can now be picked up at the Superintendent’s Office from 10 am to 2:30 pm Monday – Thursday. He also reported that all the boat dock water has been turned on and the 2015 Consumer Confidence report is available on the Borough website, spring curbside brush and leaf pick up has been completed. He advised that brush can be tied up or placed in cans for regular garbage collection day and leaves can be brought to the recycling yard in open containers to be dumped. He advised that the Environmental Commission along with the Monmouth County Recycling Office had a successful paper shredding event in the Fourth Avenue Parking lot.

Building, Planning & Zoning Committee – Council Member Sinneck reported on the construction and code applications and permits that have been submitted or issued for the month.

Beach Committee – Council Member Lee thanked the Clerk and her staff and he thanked the PBA for the tradition of the fishing contest that continues. He reported on the scheduled May 19 information session on the Dunes, Beach office is open on Saturday and Sundays from 10-2, seasonal parking tickets have been sold out, the committee is looking to move forward with the Second Avenue parking lot repaving after the old MBLR building is demolished, and the committee will be discussing the Sea Watch reconstruction.

Council Member Mangan also reported that the Borough is proceeding with revaluation and advised that letters are going out to all homeowners in town from the assessor as well as Appraisal Systems, the company hired to do the revaluation informing homeowners of the start of the process. He also reported that there is a public information session scheduled for May 14, 2015 at 7 p.m. at the Manasquan Elks.

## **AUDIENCE PARTICIPATION**

Council Member Mangan made a motion to open the meeting to the public, seconded by Council Member Sinneck. Motion carried unanimously.

Mary Ryan, 113 Beachfront thanked the Clerk’s office for the wonderful job and how much it is appreciated the efforts and outreach of all projects going on and other things going on within the Borough. She inquired about the garage sale weekend and how it went.

Council Member Donovan reported that it wasn’t the best and there were about 30 participants.

Ms. Ryan commented on how well the paper shredding event went.

Council Member Donovan thanked Monmouth County Recycling Office for paying for the shredding truck and advised the Borough receives credit for the tonnage.

Ms. Ryan inquired about the Little League building and if there was a time line for the demolition.

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Council Member Lee advised that there is no time line for the demolition yet but the committee is committed to following this through.

Council Member Donovan made a motion to close the public portion, seconded by Council Member Mangan. Motion carried unanimously.

Council Member Mangan made a motion to close the regular meeting at 8:33 p.m. seconded by Council Member Sinneck. Motion carried unanimously.

Respectfully submitted,

Barbara J. Ilaria  
Municipal Clerk